

Competition & Regulation Report

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HIGHLIGHTS

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- **CoJ decision on advantage provided to Carrefour Hypermarchés SAS and its relevance to article 108 TFEU**
- **CoJ decision on the scheme for the support of renewable electricity sources and energy-intensive users**
- **General Court's decision on agreement operating a distinction between prices charged for products intended for resale in Spain and prices charged for products intended for export to other Member States**
- **The HCC found that MINERVA violated Article 1 of Law 3959/2011 and Article 101 TFEU**
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- **Commission concludes tax on admission fees to public and private casinos in Greece from 1995 to 2012 does not involve State aid**
- **RAE: Decision no. 405/2018 of RAE related to the Definition of the Offering Prices**

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Editorial

State Aid: New Transitory Flexibility Remuneration Mechanism (TFRM) – approved by the Commission

The European Commission has found the planned Greek mechanism to remunerate flexible electricity capacity to be in line with EU State aid rules. Under this mechanism, flexible power capacity providers such as gas-fired power plants, flexible hydro plants and, in a second stage, demand response and storage operators can obtain a payment for being available to generate electricity or, in the case of demand response operators, for being ready to reduce their electricity consumption. This flexibility in power capacity will allow the Greek transmission system operator (TSO) to cope with the variability in electricity production and consumption, in particular during evening hours, when decreasing solar energy generation coincides with increasing demand for electricity. To limit costs, the TSO will select the flexible capacity providers through competitive auctions, with a maximum tendered volume of 4,500 megawatts. The measure will apply until the end of 2019. The Commission concluded that the scheme will allow a smooth transition towards a reformed electricity market, which Greece committed to implement as part of the European Stability Mechanism support programme, while limiting distortions of competition in line with EU State aid rules. To see the full decision of the Commission click [here](#)

This scheme is implemented in the Greek legal order by article 41 of Law 4559/2018 (GG A' 142/03.08.2018) which modified accordingly article 143 Δ of the Law 4001/2011 (the Greek Energy Law). This TFRM will apply until 31.12.2019 or until the establishment of the Permanent Flexibility Recovery Mechanism (PFRM), what will come first. The TFRM is divided in two periods: one until 31.3.2019 and another until its end. Regarding eligibility, lignite-fired units are totally excluded from the TFRM. However there is a big struggle between the Government and the Commission on whether these units will be included or not in the PFRM. Indeed the Greek government proceeded with the pre-notification of the PFRM to the Commission (see [energypress publication](#)) but this will have to overcome the well-known and strong environmental concerns

of the Commission. As per the TFRM, other units such as Combined Cycle Gas Turbine (CCGT), Open Cycle Gas Turbine (OCGT) and flexible Hydro Power (HP) plants will be eligible and fully compensated provided that they can provide the flexibility service to the TSO. Dispatched Combined Heat and Power Units (CHP) will be eligible provided that they can provide the flexibility service, but they will be compensated only for the part of power that it is not covered by the new operating aid scheme for the production of electricity from RES and HECHP (see [SA.44666](#) and Law 4414/2016). Demand response and storage operators will be eligible to participate in the TFRM after the full implementation of the Target Model Markets (day-ahead, intraday, forward and balancing markets).

Antitrust

CoJ decision on abuse of dominant position regarding refusal to give access to the network and to supply wholesale products.

Orange Polska SA was penalized by the European Commission for abusing its dominant position in the two wholesale markets, with the aim of protecting its position in that retail market, by developing a strategy aimed at limiting competition at all stages of the procedure for access to its network. That strategy consisted in proposing unreasonable terms to alternative operators in the agreements for broadband internet access and unbundled access to the local loop, delaying the process of negotiating agreements concerning access to those products, limiting access to its network and to subscriber lines, and refusing to provide information indispensable for alternative operators to take decisions regarding access. The CoJ held that the appeal must be dismissed in its entirety as being in part inadmissible, in part ineffective and in part unfounded. To read the full decision of the CoJ, click [here](#).

GC decision on the fixation of prices and the exchange of commercial information as infringement of Article 101 TFEU.

The infringement concerned the market of grey shrimps in the North Sea and the markets in Germany, France, Belgium and the Netherlands. To read the full decision of the GC, click [here](#).

GC decision on infringement of Article 101 TFEU and Article 53 of the EEA Agreement.

The infringement, in the bathroom fittings and fixtures sector, in which 17 undertakings had allegedly participated, was said to have taken place over various periods between 16 October 1992 and 9 November 2004 and to have taken the form of anticompetitive agreements or concerted practices covering the territory of Belgium, Germany, France, Italy, the Netherlands and Austria. To read the full decision of the GC, click [here](#).

GC decision on Commission's decision establishing an infringement of Article 81 EC

GEA Group AG was created by the merger, in 2005, of Metallgesellschaft AG ('MG') and another company. On 17 May 2000, MG sold OCG, which had been renamed Aachener Chemische Werke Gesellschaft für glastechnische Produkte und Verfahren mbH ('ACW'). The Commission found that a number of undertakings had infringed Article 81 EC and Article 53 of the Agreement on the European Economic Area (EEA) by participating in two sets of agreements and anticompetitive arrangements or concerted practices covering the territory of the EEA and concerning, first, the tin stabiliser sector and, second, the epoxidised soybean oil and esters sector. Later, the Commission found that the fine for which ACW had been found to be jointly and severally liable with, on the one hand, the applicant and CPA and, on the other, the applicant, exceeded the 10% ceiling, with the result that it was necessary to amend the 2009 decision.

The Commission also stated that the amount of the fine imposed on the applicant and CPA remained unchanged, but that the amount of the fine imposed on ACW should be reduced and that the 2010 decision would have no consequences for the other addressees of the 2009 decision. To read the full decision of the GC, click [here](#).

The Commission fined Google €4.34 billion for illegal practices regarding Android mobile devices to strengthen dominance of Google's search engine.

Since 2011, Google has imposed illegal restrictions on Android device manufacturers and mobile network operators to cement its dominant position in general internet search. Google has engaged in three separate types of practices, which all had the aim of cementing Google's dominant position in general internet search: Illegal tying of Google's search and browser app, illegal payments conditional on exclusive pre-installation of Google Search, illegal obstruction of development and distribution of competing Android operating systems. To read the full press release of the European Commission click [here](#).

The European Commission consulted stakeholders on draft guidelines to help national courts estimate the economic harm caused by cartels.

Infringements of EU competition law such as cartels or abuses of dominant market positions cause very serious harm, not only to the economy as a whole but also to particular businesses and consumers. They may suffer harm, for example, because of higher prices or lost profits due to foreclosure from a market.

These victims are entitled to compensation for this harm. They can obtain such compensation by bringing an action for damages before a national court. The European Commission is inviting comments on draft guidelines to help national courts estimate the share of price increases caused by a cartel that are passed on to indirect purchasers and final consumers. The Commission has invited

views and comments on the draft guidelines by 4 October 2018. To read the full press release of the European Commission click [here](#).

The European Commission fined, in four separate decisions, consumer electronics manufacturers Asus, Denon & Marantz, Philips and Pioneer for imposing fixed or minimum resale prices on their online retailers in breach of EU competition rules.

The four manufacturers engaged in so called "fixed or minimum resale price maintenance" (RPM) by restricting the ability of their online retailers to set their own retail prices for widely used consumer electronics products such as kitchen appliances, notebooks and hi-fi products. If those retailers did not follow the prices requested by manufacturers, they faced threats or sanctions such as blocking of supplies. To read the full press release of the European Commission click [here](#).

Greece: HCC's decision on infringement of articles 101, 102 TFEU by ELAIS-UNILEVER.

HCC decided that the company ELAIS-UNILEVER infringed articles 101 and 102 TFEU and imposed fines of amounts €8.669.370,11 and €18.892.334,58. To read the full press release visit the website of the [HCC](#).

Greece: HCC revealed infringements of articles 101 and 102 TFEU by FRESLANT

HCC announced that FRESLANT has violated articles 101 and 102 TFEU within the years 1996-2014 and 1996-2009 respectively. To read the full press release visit the website of the [HCC](#).

Mergers

The European Commission has approved under the EU Merger Regulation the acquisition by Total Produce of joint control over Dole.

The Commission was concerned that the transaction, as originally notified, would have significantly reduced competition in the market for the supply of bagged salads in Sweden. However, Commission held that no competition concerns would arise with respect to all other products where the companies' activities overlap, due to the presence of a sufficient number of alternative suppliers. To read the full press release of the European Commission click [here](#).

The Commission approved the proposed acquisition of Abertis by ACS and Atlantia.

The Commission's investigation focused in particular on the impact of the proposed transaction on the market for toll motorway concessions in the European Economic Area, in particular in Italy, where the activities of Atlantia and Abertis overlap, and in Spain, where the activities of ACS and Abertis overlap. However, Commission concluded that the proposed acquisition would not endanger competition. To read the full press release of the European Commission click [here](#).

Commission conditionally approved the acquisition of Cristal by Tronox, both major suppliers of titanium dioxide pigment.

Commission carried out an in-depth review of the proposed acquisition and found that the takeover, as initially notified, would have significantly reduced competition on the European market for chloride-based titanium dioxide pigment for use in paper laminate. To read the full press release of the European Commission click [here](#).

Commission opened in-depth investigation into KME's proposed acquisition of competing copper products supplier MKM.

The Commission is concerned that the merger may reduce competition in the supply of rolled copper products and sanitary copper tubes. Commission has to carry out an in-depth investigation into the effects of this transaction until 29 November 2018 and determine whether its initial competition concerns are confirmed. To read the full press release of the European Commission click [here](#).

Commission cleared acquisition of sole control over ZKW by LG Electronics.

Commission concluded that the proposed acquisition would raise no competition concerns given the negligible overlap between the companies' activities in the European Economic Area. The transaction was examined under the simplified merger review procedure. To read the full press release of the European Commission click [here](#).

Commission cleared acquisition of joint control over Elica PB India by Elica and Whirlpool.

The European Commission has approved, under the EU Merger Regulation, the acquisition of joint control over Elica PB India Private Limited of India by Elica S.p.A. of Italy and Whirlpool Corporation of the US. To read the full press release of the European Commission click [here](#).

Commission opened in-depth investigation into Siemens proposed acquisition of Alstom.

Both companies have a wide product portfolio and compete in tenders for the manufacture and supply of high speed, mainline and urban rolling stock (trains) as well as mainline and urban signaling solutions. the Commission is concerned that the proposed transaction would reduce competition in the markets where the merged entity would be active and, in particular, that the proposed transaction could lead to higher prices, less choice and less innovation due to

reduced competitive pressure in rolling stock and signaling tenders. To read the full press release of the European Commission click [here](#).

Commission cleared acquisition of joint control over Helios by Mitsui and Kansai.

Through this transaction, Mitsui acquires joint control over Helios together with Kansai, which currently already controls Helios. To read the full press release of the European Commission click [here](#).

Commission clears acquisition of joint control over HES by Macquarie and Goldman Sachs.

The European Commission approved the acquisition of joint control over HES International B.V. of the Netherlands by MEIF 5, a wholesale investment fund managed by a subsidiary of Macquarie Group Limited of Australia and funds advised by affiliates of the Goldman Sachs Group of the US. To read the full press release of the European Commission click [here](#).

Commission approves acquisition of GitHub by Microsoft

The European Commission has approved under the EU Merger Regulation the proposed acquisition of GitHub by Microsoft. The Commission concluded that effective competition in the relevant markets would continue and Microsoft would have no incentive to undermine the open nature of GitHub's platform. To read the full press release of the European Commission click [here](#).

Commission clears acquisition of joint control over Shanghai Huaxin Juniper by Huaxin and Juniper.

The European Commission has approved, under the EU Merger Regulation, the acquisition of joint control over the newly created joint venture which will be active in the development and sale of network switches, network routers and

network security products in China. To read the full press release of the European Commission click [here](#).

Commission clears Apple's acquisition of Shazam.

The Commission concluded that the proposed acquisition of Shazam by Apple complies with EU Merger Regulation and would not adversely affect competition in the European Economic Area or any substantial part of it. To read the full press release of the European Commission click [here](#).

Greece: The HCC approved the acquisition of YGEIA S.A. by HEALTHCARE S.A.

To read the full press release visit the website of the [HCC](#).

Greece: The HCC found that MINERVA violated Article 1 of Law 703/77, as it was in force, now Article 1 of Law 3959/2011, and Article 101 TFEU by participating with its wholesalers in a prohibited vertical anticompetitive agreement.

To read the full press release visit the website of the [HCC](#).

Greece: HCC approved the acquisition of PROMITHEUTIKI TROFIMON S.A. by DIAMANTIS MASOUTIS S.A.

To read the full press release visit the website of the [HCC](#).

State aid

CoJ decision on advantage provided to Carrefour Hypermarchés SAS and its relevance to article 108 TFEU.

Carrefour Hypermarchés SAS filed an appeal against the decision of the European Commission related to the approval of state aid with the condition

of the amendment of the tax on visual services. To read the full decision of the CoJ, click [here](#).

CoJ decision on the state aid provided for the development of digital tv signal in the area of Comunidad Autónoma de Castilla-La Mancha, Spain.

The CoJ rejected the appeal filed by Spain against the European Commission and concluded the advantages provided by the Spanish State fall within the scope of article 107 TFEU. To read the full decision of the CoJ, click [here](#).

The European Commission has found Hungary's €45 million investment aid to chemical company BorsodChem Zrt to be in line with EU State aid rules.

The €45 million investment aid granted by Hungary will support BorsodChem's plan to invest in total €142 million in a new facility for the production of aniline at BorsodChem's existing plant in Kazincbarcika (Hungary), where the company currently manufactures methylene diphenyl diisocyanate (MDI). To read the full press release of the European Commission click [here](#).

Commission opened in-depth investigation into tax exemptions for companies in the Madeira Free Zone.

The Commission has concerns that tax exemptions granted by Portugal to companies established in the Madeira Free Zone are not in line with the Commission decisions and EU State aid rules. To read the full press release of the European Commission click [here](#).

Commission adopted Best Practices Code to streamline and speed up State aid control.

The Best Practices Code for State aid control gives guidance on how the Commission, Member States and other stakeholders work together in State aid procedures. To read the full press release of the European Commission click [here](#).

Commission concludes tax on admission fees to public and private casinos in Greece from 1995 to 2012 does not involve State aid

The differentiated tax levied on admissions to public casinos and private casinos did not confer a selective advantage to public casinos. This is because the amounts due to be paid to the Greek State by private and public casinos corresponded to the same percentage (80%) of the different regulated admission fees charged to customers by the two categories of casinos. To read the full press release of the European Commission click [here](#).

The Commission decided that the non-taxation of certain McDonald's profits in Luxembourg is not illegal State aid.

Tax rulings granted by Luxembourg to McDonald's in 2009 exempt from taxation in Luxembourg all franchise profits that McDonald's receives from third parties operating McDonald's outlets in Europe, the Ukraine and Russia. Commission's investigation showed that the reason for double non-taxation is a mismatch between Luxembourg and US tax laws, and not a special treatment by Luxembourg. To read the full press release of the European Commission click [here](#).

Commission finds Italy granted incompatible aid to Naples port authority.

Commission examined the measures granted by Italy and concluded that Italy gave both the Port Authority of Naples and CAMED an unfair economic advantage over their competitors. To read the full press release of the European Commission click [here](#).

Commission approves extension of Danish tonnage tax scheme to new types of vessels

The European Commission has approved under EU State aid rules the extension of the existing Danish tonnage tax scheme to additional types of vessels. This will encourage ship registration in Europe and contribute to the global competitiveness of the sector without unduly distorting competition. To read the full press release of the European Commission click [here](#).

Commission decides to withdraw Court action against Ireland for failure to recover illegal aid to Apple

Following the confirmation by Ireland that the full recovery of the illegal State aid granted to Apple has been finalized, the Commission has decided to withdraw its Court action against Ireland. To read the full press release of the European Commission click [here](#).

Energy

CoJ decision on the scheme for the support of renewable electricity sources and energy-intensive users.

The case in the main proceedings concerns, in essence, the validity of the contested decision in that it classified the cap on the EEG-surcharge as 'State aid' within the meaning of Article 107 TFEU. To read the full decision of the CoJ, click [here](#).

GC decision on aid planned by the United Kingdom in favor of Hinkley Point C nuclear power station.

Austria contested the decision declaring the aid compatible with the internal market. The GC rejected the appeal. To read the full decision of the GC, click [here](#).

GC decision on infringement of Article 101 TFEU related to the European market for power cables.

The Commission found that the cartel participants had established obligations to exchange information in order to enable the allocation agreements to be monitored. The Commission classed the cartel participants in three groups, according to the role each of them had played in implementing the cartel. First, it defined the core group to include the European undertakings Nexans France, the subsidiaries of Pirelli having participated successively in the cartel and PrysmianCSE, and the Japanese undertakings Furukawa Electric, Fujikura and their joint undertaking Viscas, as well as Sumitomo Electric Industries, Hitachi Cable and their joint undertaking J-Power Systems. Second, a group of undertakings which had not been part of the core group but which nevertheless could not be regarded as merely fringe players in the cartel, as the ABB. Third, the fringe players in the cartel such as the Mitsubishi Cable Industries. The GC rejected the appeal by Prysmian SpA and Prysmian Cavi e Sistemi Srl (to read the full decision of the GC, click [here](#)), by Nexans France SAS and Nexans SA (to read the full decision of the GC, click [here](#)), by Hitachi Metals Ltd (to read the full decision of the GC click [here](#)), by NKT Verwaltungs GmbH and NKT A/S (to read the full decision of the GC click [here](#)), ABB Ltd and ABB AB (to read the full decision of the GC click [here](#)), by Furukawa Electric Co. Ltd (to read the full decision of the GC click [here](#)), by Brugg Kabel AG, Brugg Kabelwerke Brugg AG Holding (to read the full decision of the GC click [here](#)), by LS Cable & System Ltd (to read the full decision of the GC click [here](#)), by Silec Cable SAS and General Cable Corp. (to read the full decision of the GC click [here](#)), by Viscas Corp. (to read the full decision of the GC click [here](#)), by The Goldman Sachs Group, Inc. (to read the full decision of the GC click [here](#)).

Commission invites comments on Transgaz commitments concerning natural gas exports from Romania.

The Commission has concerns that Transgaz, the state-controlled gas transport infrastructure operator in Romania, may have breached EU competition rules by restricting exports of natural gas from Romania. The commitments would

aim to enable natural gas exports from Romania to other Member States, in particular Hungary and Bulgaria. To read the full press release of the European Commission click [here](#).

Commission approved reductions of nuclear levy for electro-intensive users in Slovakia.

The European Commission has found Slovakia's plan to grant reductions on a nuclear levy to certain electro-intensive users to be in line with EU State aid rules. The measure will contribute to the competitiveness of these companies without unduly distorting competition in the Single Market. To read the full press release of the European Commission click [here](#).

Commission authorized the development of 60 MW of electricity from landfill gas in France.

The Commission approved the aid of the French State for the construction and exploitation of 60 MW new electricity generation plants from landfill gas and for the modernization of plants of this type already in operation. To read the full press release of the European Commission click [here](#).

Commission approved Dutch support to compensate damage linked to gas extraction in the province of Groningen.

The European Commission has found that the support put in place by the Netherlands to compensate damage to real estate caused by earthquakes induced by drilling in the Groningen gas field is in line with EU State aid rules. To read the full press release of the European Commission click [here](#).

Commission approves €3.5 billion support to three offshore windfarms in Belgium.

The Commission has approved under EU State aid rules Belgium's support of a maximum of €3.5 billion to the Mermaid (235 Megawatt), Seastar (252

Megawatt) and Northwester2 (219 Megawatt) windfarm projects, which are located in the Belgian territorial waters of the North Sea. To read the full press release of the European Commission click [here](#).

Commission clears the creation of a joint venture by Boeing and Safran for the production of auxiliary power units.

The joint venture will manufacture auxiliary power units ("APUs") that provide electrical power to the aircraft while the engines are shut down. The Commission concluded that the proposed acquisition would raise no competition concerns. To read the full press release of the European Commission click [here](#).

Commission approves €200 million in public support for renewable energy for self-suppliers of electricity in France

The European Commission has approved under EU State aid rules a measure to support electricity production from renewable sources for self-consumption in France until 2020. To read the full press release of the European Commission click [here](#).

Commission clears acquisition of joint control over ExxonMobil Exploration Argentina and Mobil Argentina by ExxonMobil and Qatar Petroleum

The European Commission has approved, under the EU Merger Regulation, the proposed acquisition of joint control over ExxonMobil Exploration Argentina S.R.L. and Mobil Argentina S.A., both of Argentina, by ExxonMobil of the US and Qatar Petroleum of Qatar. To read the full press release of the European Commission click [here](#).

Commission clears acquisition of Praxair EEA Business by TNSC

The European Commission has approved, under the EU Merger Regulation, the acquisition of the **Praxair EEA Business** by Taiyo Nippon Sanso Corporation

("TNSC") of Japan. To read the full press release of the European Commission click [here](#).

Commission clears acquisition of joint control of certain industrial gas and helium assets of Linde and Praxair by Messer and CVC

The European Commission has approved, under the EU Merger Regulation, the acquisition of joint control of industrial gas assets and businesses in North and South America, as well as global helium sourcing contracts and related assets (together, the "Divestment Business"), by CVC Capital Partners SICAV-FIS S.A. ("CVC") of Luxembourg and Messer Group GmbH ("Messer") of Germany. To read the full press release of the European Commission click [here](#).

Greece: RAE Public Consultation in accordance with Articles 26, 27 & 30 of European Regulation (EU) 2017/460 to amend the Regulation of Pricing of Basic Activities of NNGS and to align it with the provisions of the European Regulation on the establishment of transmission tariffs.

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

Greece: Public Consultation of RAE on the recommendations of the Hellenic Stock Exchange SA on the Energy Exchange Regulation and the Transaction Settlement Regulation and the UDMI SA on the Balancing Market Regulation as set out in Law 4425 / 2016.

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

Greece: Decision no. 405/2018 of RAE related to the Definition of the Offering Prices (Διοικητικά Οριζόμενες Μέγιστες Τιμές Προσφοράς)

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

Greece: RAE published the list of participants to the consultation for the Regulation for the measurement of natural gas distribution channels (Κανονισμός Μετρήσεων Δικτύων Διαμονής Φυσικού Αερίου)

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

Greece: On 17.08.2018 the Ministerial Decision no.178065/2018 on the Regulation for Natural Gas Authorizations was issued.

The Decision describes the procedure and presents the details of granting of Authorizations for management, sale and distribution of natural gas. To read the full Decision, click [here](#).

Greece: The HCC cleared the proposed acquisition by «Motor Oil (Hellas) Corinth Refineries S.A.» (MOH) of sole control over «NRG Trading House S.A.»

To read the full press release visit the website of the [HCC](#).

Electronic Communications & Post

CoJ rejected appeal concerning the practice of exchanges of commercially sensitive information.

On 22 April 2008, Renesas Technology Corp. and its subsidiaries ('Renesas') informed the Commission of the existence of a cartel in the smart card chip sector and submitted an application for immunity from fines pursuant to the Commission Notice on immunity from fines and reduction of fines in cartel cases. On 28 March 2011, after carrying out on-the-spot inspections at the premises of several companies in the sector and sending them requests for information, the Commission initiated proceedings, pursuant to Article 11(6) of Regulation No 1/2003, against, first, the appellants, second, Renesas, and, third, Samsung Electronics Co. Ltd and Samsung Semiconductor Europe GmbH (together, 'Samsung'). the Commission found that four undertakings, namely

Infineon, the appellants, Renesas and Samsung, had participated in a single and continuous infringement of Article 101(1) TFEU and of Article 53 of the Agreement on the European Economic Area of 2 May 1992 (OJ 1994 L 1, p. 3) ('the EEA Agreement') in the smart card chip sector for the whole European Economic Area (EEA) ('the infringement at issue'). The Commission found that that infringement lasted from 24 September 2003 to 8 September 2005 and related to smart card chips. To read the full decision of the CoJ click [here](#).

The European Commission has found that Correos, the publicly-owned Spanish postal operator, was overcompensated for the delivery of its universal postal service obligation between 2004 and 2010, and also benefited from incompatible tax exemptions.

The Commission's assessment showed that: Correos was overcompensated by approximately €166 million for providing universal postal service in Spain during the period 2004-2010 and specific tax exemptions granted since 2004 to Correos gave it an undue advantage amounting to approximately to €0.9 million in total. To read the full press release of the European Commission click [here](#).

Commission approved acquisition of UPC Austria by T-Mobile Austria.

The Commission concluded that the transaction would raise no competition concerns as the companies' activities and assets are largely complementary. To read the full press release of the European Commission click [here](#).

Commission approved €120 million public support for broadband network project in the region of Oberösterreich in Austria.

The regional public authorities will be provided with a maximum State aid amount of €120 million, which they will use to deploy and manage the network through an in-house company. The new network will be deployed in areas of the country where no equivalent broadband infrastructure is in place or planned in the near future. To read the full press release of the European

Commission click [here](#).

Commission clears acquisition of sole control of Wind Tre by Hutchison, subject to conditions.

Hutchison agreed to acquire sole control over Wind Tre. The Commission has reviewed this new deal. It found that, other than the creation of Wind Tre and the entry of Iliad on the market, no significant change has occurred in the competitive landscape of the Italian mobile markets and concluded that the new transaction does not alter the existing competitive situation. To read the full press release of the European Commission click [here](#).

Greece: Hellenic Telecommunications and Post Commission announced the commencement of public consultation for the amendment of Regulation connected to the amendment of the regulatory framework for the Internet of Things (IoT)

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

Greece: From 1 October onwards, the second phase of the arrangements provided for in the EET General Licensing Regulation, which was published in December 2017, comes into force. The Regulation sets out the obligations of electronic communications providers to defend the rights of subscribers in telecommunication and Internet.

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

Greece: Announcement of notice of open international electronic competition, no. ΕΣΔΗΔ: 64968 for the project: «MEASUREMENT OF THE TIME OF MOVING THE INTERNAL PRESENTATION OF THE UNIVERSAL POSTAL SERVICE»

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

Pharmaceuticals

General Court's decision on agreement operating a distinction between prices charged for products intended for resale in Spain and prices charged for products intended for export to other Member States

The Court rejected the appeal filed by the European Association of Euro-Pharmaceutical Companies (EAEPC) and GlaxoSmithKline SA against the Commission's decision holding that Glaxo Wellcome had infringed Article 101(1) TFEU by entering into an agreement with Spanish wholesalers operating a distinction between prices charged to wholesalers in the case of domestic resale of reimbursable drugs to pharmacies or hospitals and higher prices charged in the case of exports to any other Member State. To read the full decision of the General Court click [here](#).

Transport

General court decision on Public financing granted by the Swedish State and the Danish State to the Fixed Link infrastructure project across the Øresund.

On 15 October 2014 the Commission adopted decision concerning the public financing of the Øresund Fixed Link road/rail infrastructure project. It held among others that the guarantee granted to the Consortium by the Kingdom of Sweden was existing aid and that, having regard in particular to the commitments of the Kingdom of Denmark and the Kingdom of Sweden, there was no need to initiate the procedure regarding existing aid schemes; the Danish joint taxation regime and the measures granted to the parent companies of the Consortium for the financing of the road and railway hinterland connections in Sweden and Denmark did not constitute State aid within the meaning of Article 107(1) TFEU. To read the full decision of the GC, click [here](#).

CoJ decision on the tax regime applicable to certain finance lease agreements for the purchase of ships (Spanish tax lease system).

The fact that the Spanish tax lease system as applied to certain finance lease agreements for the purchase of ships ('the STL system') made it possible for shipping companies to purchase ships built by Spanish shipyards at a 20% to 30% rebate arose concerns regarding its compatibility to article 107(1) TFEU. To read the full decision of the CoJ click [here](#).

The European Commission opened in-depth investigation into Siemens proposed acquisition of Alstom.

Siemens and Alstom are global leaders in rail transportation, so Commission is concerned that the merger may reduce competition in the supply of several types of trains and signalling systems. To read the full press release of the European Commission click [here](#).

The European Commission approved acquisition of LaudaMotion by Ryanair.

The Commission investigated the impact of the proposed transaction on the market for air transport of passengers on the routes from German, Austrian and Swiss airports to leisure destinations in the Mediterranean and Canary Islands, where the activities of Ryanair and LaudaMotion overlap. The Commission also examined whether LaudaMotion's portfolio of airport slots to be acquired by Ryanair at different airports would allow Ryanair to prevent competitors from entering or expanding their presence at these airports. To read the full press release of the European Commission click [here](#).

Commission approved public funding for five ferry connections between Croatian islands and mainland.

The European Commission has found Croatian plans to grant HRK 250 million (€34 million) to ensure regular ferry connections on five routes between Croatian islands and the mainland to be in line with EU State aid rules. The public funding will contribute to the connectivity and development of the islands without unduly distorting competition in the Single Market. To read the full press release of the European Commission click [here](#).

Commission opened in-depth investigation into measures in favour of Ryanair at Montpellier airport in France.

The European Commission aims to assess whether marketing agreements concluded between the Association for the Promotion of Touristic and Economic Flows and Ryanair at the airport of Montpellier in France are in line with EU State aid rules. To read the full press release of the European Commission click [here](#).

Commission clears the creation of a joint venture by Porsche and Schuler.

The European Commission has approved, under the EU Merger Regulation, the creation of a joint venture by Dr. Ing. h.c. F. Porsche AG ("Porsche") of Germany, belonging to the Volkswagen group and Schuler AG of Germany belonging to the Andritz group. The joint venture will build and operate a metal press plant in Germany. To read the full press release of the European Commission click [here](#).

Commission opens formal investigation into possible collusion between BMW, Daimler and the VW group on clean emission technology

The European Commission has opened an in-depth investigation to assess whether BMW, Daimler and VW (Volkswagen, Audi, Porsche) colluded, in breach of EU antitrust rules, to avoid competition on the development and roll-

out of technology to clean the emissions of petrol and diesel passenger cars. To read the full press release of the European Commission click [here](#).

Commission sends Statement of Objections to Slovak rail company ZSSK for obstruction during inspection

The European Commission has informed Slovak rail company ZSSK of its preliminary view that the company obstructed a Commission inspection by giving incorrect information and deleting data from a laptop. The inspection was part of an antitrust inquiry in the rail passenger transport sector. To read the full press release of the European Commission click [here](#).

Commission invites comments on future regime for liner shipping consortia

The European Commission is inviting comments on the legal framework exempting liner shipping consortia from EU antitrust rules that prohibit anticompetitive agreements between companies, known as the "Consortia Block Exemption Regulation". To read the full press release of the European Commission click [here](#).

Commission approves Slovakia's €125 million investment aid to Jaguar Land Rover

The European Commission has concluded that Slovakia's €125 million investment aid to Jaguar Land Rover is in line with EU State aid rules. The aid will contribute to the development of the region of Nitra, without unduly distorting competition in the Single Market. To read the full press release of the European Commission click [here](#).

Commission approves €306 million in Greek public funding for the construction of southern section of E65 motorway

The European Commission has approved under EU State aid rules Greek public funding of €306 million for the construction of the southern section of the Central Greece Motorway (E65). To read the full press release of the European Commission click [here](#).

Greece: HCC announced the acquisition of NEA ODOS by GEK TERNA SA

GEK TERNA SA will acquire 100% of the shares of the companies NEA ODOS SOCIETE ANONYME CONCESSION SA and CENTRAL GREECE MOTORWAY CONCESSION COMPANY and will therefore acquire sole control over them according to art. 5 par.2 of Law 3959/2011 to the above companies of motorway concession projects in Greece. To read the full press release of HCC click [here](#).

NEWS**Commission: EU and China further dialogue on competition policy at 17th Competition Week in Beijing**

The 17th EU-China Competition Week marked the beginning of a dialogue between the European Commission and China's newly established State Administration for Market Regulation (SAMR). The EU-China Competition Week is part of the Competition Cooperation project, a 5-year EU-funded programme offering technical cooperation to competition authorities in Asia. To read the full press release of the European Commission click [here](#).

Greece: Results of RAE Public Consultation under the provisions of paragraph 5 of Article 7 of Law 4414/2016 on the conduct of competitive bidding procedures for the determination of operating aid for RES projects

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

Greece: Regulatory Authority for Energy published the results of conference regarding the Regulation on Energy Stock Exchange in Greece.

Greek Regulatory Authority for Energy published the letters and the table of participants to the conference related to law 4425/2016. To read the full announcement of RAE, click [here](#).

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