

Responsibilities

Pursuant to Article 113 of Law 4727/2020¹ currently in force, EETT is the exclusive competent authority to implement Greek and EU competition legislation in the Electronic communications markets, including Greek “Law 3959/2011 on the protection of free competition (Official Gazette A’93/2011)”, as amended by “Law 4886/2022 on the Modernisation of Competition Law for the Digital Era” (GG A’ 12/24-01-2022), [Articles 101 and 102](#) of the Treaty on the Functioning of the European Union (TFEU) as well as [Council Regulation \(EC\) No. 1/2003](#)². EETT has the exact same competence in the Greek postal market.

The specific provisions of law foresee that EETT:

“Shall ensure the enforcement of the electronic communications and postal services legislation and shall apply the provisions of Law 3959/2011 (A 93), to examine the activities of electronic communications undertakings, the provisions of Articles 101 and 102 of the Treaty on the Functioning of the European Union and of the Council Regulation (EC) No. 1/2003 of 16 December 2002 on the implementation of the rules on competition laid down in Articles 81 and 82 of the Treaty (L 1). EETT may request the assistance of the Hellenic Competition Commission, where evaluated necessary...”

“Shall conduct hearings to establish eventual infringements of the provisions of this law and/or in any other case for which relevant competence is foreseen in this Part.”

“It shall issue Directives and recommendations, impose, on an exclusive basis, fines and other administrative penalties on companies acting in the electronic communications sectors, in accordance with the applicable legislation, including the penalties and sanctions foreseen in Law 3959/2011, and refer

the infringers to the relevant judicial authorities.”

Within this framework, EETT has the same powers as the Hellenic Competition Authority in order to collect, process and evaluate the data and information necessary to fulfil its mission, to exercise all type of investigative measures (requests of information, dawn raids, e.t.c.) and impose the appropriate sanctions upon infringements of Law 3959/2011 (recently amended by Law 4886/2022) and articles 101/102 TFEU, in the markets of its competence.

In particular, pursuant to Article 14 of Law 4070/2012 (Official Gazette 82/A/10-04-2012), which remains in force following the publication of Law N.4727/2020): “When exercising its powers, the officials of EETT (in order to impose sanctions) and acts upon mandate of the President for the purposes of collecting evidence, conducting investigations and impose sanctions, as foreseen in Articles 38 and 39 of Law 3959/2011³ (A 93). According to articles 38 and 39 of law 3959/201 in particular (as amended by Law 4886/2022), the powers of the authorized officials extend among other to: “... the powers of tax auditor and shall be authorized to inspect books, records and other documents, of all type and category, of the undertaking or association of undertakings, seize, receive or obtain, in any form, a copy or extract of books, documents, and electronic storage and transmission of information relating to professional information, and, where they deem it appropriate, to continue the investigation for information and to select copies or extracts at premises, inspect and collect information and data from mobile terminals and portable devices and their servers and the cloud computing, carry out inspections in the offices and other premises and means of transport of the undertaking or association of undertakings, seal any professional premises, books or documents for the period of and to the extent necessary for the inspection, take, at their discretion, sworn or unsworn witness statements, without prejudice to the

provisions of Article 212 of the Code of Criminal Procedure, e.t.c.... 3. In the event of refusal, obstruction or delay in providing the information requested or refusal to provide oral clarifications or provision of inaccurate, misleading or incomplete information, ..., or in the event that inaccurate, misleading or incomplete information is provided, in the context of application of par. 1A and 2B and without prejudice to criminal sanctions in accordance with Article 44, the Competition authority shall impose a fine per day of non-compliance...". In exercising the above powers, the personnel of EETT is committed to confidentiality, pursuant to Article 41 of Law 3959/2011 (A 93)."

Accordingly, EETT, under Article 5 of Law 4053/2012 (Official Gazette 44/A/07-03-2012), is empowered to act as the exclusive competition authority of the Greek postal market.

In particular, EETT: "... shall exercise the following supervisory powers:

xa. ... shall ensure compliance with the competition legislation in the postal services sector and enforce the provisions of Law 3959/2011⁴ (A 93) to the activities of postal services providers, as well as the provisions of Articles 101 (ex Article 81 TFEU) and 102 (ex Article 82 TFEU) of the Consolidated Versions of the Treaty on European Unions and the Treaty on the Functioning of the European Union (C 83/30.3.2010), in accordance with Regulation 1/2003/EC (L 001). EETT may request the assistance of the Hellenic Competition Commission.

2.a. When EETT exercises its powers, to impose sanctions, its personnel shall act upon mandate from the President and shall have, for the purposes of collecting evidence and conducting investigations, the rights provided for in Articles 38 and 39 of Law 3959/ 2011 (A 93). These persons shall have the right, for the purpose of establishing infringements of this law, to inspect, as provided for by respective provisions in force,

books and records of undertakings and organizations, excluding their seizing or receiving, as well as other records and documents thereof, of any kind, to carry out inspections in the offices and other premises, to take, at their discretion, sworn or unsworn witness statements, without prejudice to the provisions of Article 212 of the Code of Criminal Procedure. The relevant provisions, prohibitions, penalties and sanctions foreseen in Articles 39 and 44 of Law 3959/2011 (A 93) shall also apply in the event of refusal, obstruction or delay in providing the requested information and without prejudice to the sanctions foreseen in this law. In exercising the above powers, the personnel of EETT is committed to confidentiality, pursuant to Article 41 of Law 3959/2011 (A 93).

By virtue of Law 4313 (Official Gazette 261/A/17-12-2014) and its Article 63 thereof titled: "Amendment of provisions of Law 4053/2012", it is foreseen that: "The point (u) of paragraph 1 of Article 5 of Law 4053/2012 (A 44) is amended as follows: "ka. After the submission of a complaint by a competent authority or third parties or even ex officio, EETT invites those who infringe the rules of the postal services legislation in order to comply with those rules, conducts hearings to investigate eventual infringements of the postal and competition legislation and imposes the administrative penalties foreseen in Article 17. EETT may address guidelines, recommendations and warnings, may impose, on an exclusive basis, fines and other type of administrative penalties on companies active in the postal services sector, in accordance with the legislation in force, including the penalties foreseen in Law 3959/2011.".

Within the frame of its competition law powers, EETT, since more than 20 years now, has handled a wide spectrum of complaints, practices, agreements, notifications, previous notification procedures of Law 703/77 (exceptions), concentrations (change of controls, mergers, joint ventures), as well as numerous issues on the proper enforcement of

Competition Law in the Electronic Communications and Postal services markets.

1. Law 4727/2020 (Official Government Gazette 184/A/23-09-2020) entitled under the title “Digital Governance (Integration of the Directive (EU) 2016/2102 and the Directive (EU) 2019/1024 into Greek Law-Electronic Communications (Integration of the Directive (EU) 2018/1972 into Greek Law) and other provisions”.
2. Council Regulation (EC) No 1/2003 of 16 December 2002 on the implementation of the rules on competition laid down in Articles 81 and 82 of the Treaty.
3. As amended by Law 4886/2022.
4. As amended by Law 4886/2022.