



**COMPETITION - ANTITRUST AND E-COMMERCE PRACTICES**

# HCC launches an e-Commerce sector inquiry & a public consultation for stakeholders

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# HCC launches an e-Commerce sector inquiry & a public consultation for stakeholders

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On March 31<sup>st</sup>, 2020, the Hellenic Competition Commission (“HCC”) [published](#) its decision of 11.03.2020 to initiate a sector inquiry into e-commerce, exercising its competency under Article 40 of Law 3959/2011. The HCC was prompted both by the increasing importance of e-commerce for consumer habits in Greece and the fact that novel technological tools may facilitate the distortion of competition in the digital environment. Coincidentally, the coronavirus pandemic has incited a spike in online traffic, which is likely to have longstanding effects on e-commerce.

The sector inquiry is intended to help the HCC get the full picture of competitive conditions in e-commerce markets so that it can intervene, at a later stage, either to remedy competition law restrictions or to promote certain policies or regulations in the respective fields. To accommodate market players who wish to participate and stay informed, the HCC has created a

[special section on its website](#) dedicated to the e-commerce sector inquiry.

All interested stakeholders may benefit from the opportunity to participate early on in the sector inquiry in order to express their views on how the e-commerce industry works and how the various commercial practices are affected in the digital sphere.

## *What is the scope of the sector inquiry?*

The HCC embarks by focusing on the following sectors:

- Apparel and footwear (especially athletic)
- Electronic and electrical devices
- Books
- Intermediation services for the provision travel tickets
- Intermediation services for the provision of tickets for events

- Intermediation services for the provision of food services
- Finding and renting accommodation – AIRBNB
- Electronic pharmacies (especially for food supplements and parapharmaceuticals)

The HCC clarifies that it may further specify and/or limit and/or expand the scope of its inquiry, depending on its findings in the course of the investigation.

***What is the subject of the sector inquiry?***

The HCC will focus on the following areas/practices:

- mapping relevant online markets
  - potential barriers to entry of new players or expansion of existing ones
  - the use of algorithms by digital retailers and platforms for advertising or pricing purposes, including the implementation of customized pricing systems, which will be the subject of a discrete HCC investigation
  - the importance of consumer Big Data for the operation of digital retailers and platforms, and the extent of their use in commercial practice
  - cooperation between competitors that are active in online commerce,
- with particular emphasis on cases where such cooperation is facilitated by a common counterparty (e.g. digital platform)
  - vertical restrictions in online distribution systems (e.g. setting minimum resale and / or minimum advertised prices, MFN clauses, imposing geographical restrictions)
  - any restrictions on the distribution of products and services online, such as: (direct or indirect) general ban of online sales, excluding specific online stores from distribution systems, or banning sales through price comparison platforms or websites
  - dual pricing by suppliers, depending on whether the products are distributed online or through brick-and-mortar outlets
  - abusive practices by powerful platforms (e.g. exclusionary practices against competitors, excessive pricing)
  - practices falling within the scope of Regulation (EU) 2019/1150 on promoting fairness and transparency for business users of online intermediation services, focusing on the latter's interplay with competition law

### *How can a market player participate in the public consultation?*

In the context of Phase I of its sector inquiry the HCC launched a public consultation inviting all interested parties to submit their comments and views regarding competition conditions in a digital environment. The stakeholders concerned may participate in the public consultation by **taking part to the informative teleconference held by the HCC between 23<sup>rd</sup> and 30<sup>th</sup> of April 2020** and/or by **submitting their views in writing in the form of a memo**. The memos will be compiled and published on the HCC's e-commerce sector inquiry dedicated webpage, with reference to the name of the participant, excluding any excerpts and information that has been characterized by the participant as confidential.

The deadline to express interest in the teleconference participation was initially April 13<sup>th</sup> 2020, later extended to the 28<sup>th</sup>-29<sup>th</sup> of May 2020 and the memo submission deadline which was set for May 8<sup>th</sup> 2020 has been extended to May 15<sup>th</sup> 2020.

### *Who can participate to the public consultation?*

Participation is open to anyone who is reasonably in a position to provide useful

information; the HCC highlights the importance of participation of the following stakeholders:

- ✓ pure-play internet retailers
- ✓ click-and-mortar outlets
- ✓ businesses active in all supply chain stages (producers, importers, wholesalers)
- ✓ associations
- ✓ business consultants, law firm associates, economists
- ✓ representatives of the academic community and researchers
- ✓ consumer associations or individual consumers.

*What is the HCC's timeline of the sector inquiry?*

<b>11.03.2020</b>	Official launch of the sector inquiry in e-commerce
<b>31.03.2020</b>	Launch of public consultation: invitation of interested parties to submit comments and views and express interest to participate in teleconference with HCC members
<b>17.04.2020</b>	Deadline to express interest to participate in teleconference
<b>15.05.2020</b>	Deadline to submit written comments and views
<b>28-29.05.2020</b>	Teleconference
<b>10.06.2020</b>	Questionnaires will be sent to market players, based on output of teleconference submitted views
<b>03.07.2020</b>	Deadline to submit replies to questionnaires
<b>30.10.2020</b>	Publication of the first draft of the sector inquiry Report
<b>01.11.2020</b>	Launch of second public consultation and invitation of interested parties to submit comments on the first draft of the Report
<b>30.04.2021</b>	Publication of the final Report

## Contact Us

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