The International Comparative Legal Guide to:

Competition Litigation 2019

11th Edition

A practical cross-border insight into competition litigation work

Published by Global Legal Group, in association with CDR, with contributions from:

ACCURA Advokatpartnerselskab
Arnold Bloch Leibler
Arthur Cox
Ashurst LLP
Barun Law LLC
Blake, Cassels & Graydon LLP
Čechová & Partners
DALDEWOLF
Dittmar & Indrenius
GANADO Advocates
Hausfeld & Co. LLP
Haver & Mailänder
Ledesma Uribe y Rodriguez Rivero S.C.
Linklaters LLP
Maverick Advocaten N.V.
MinterEllisonRuddWatts
Nagashima Ohno & Tsunematsu
Osborne Clarke SELAS
Pinheiro Neto Advogados
Preslmayr Rechtsanwälte OG
Shearman & Sterling, LLP
Skadden, Arps, Slate, Meagher & Flom LLP
Stavropoulos & Partners
Stewarts
Tassos Papadopoulos & Associates LLC
Vejmelka & Wünsch, s.r.o.
Wardyński & Partners
Wilmer Cutler Pickering Hale and Dorr LLP
Wolf Theiss Rechtsanwälte GmbH & Co KG
Zhong Lun Law Firm

CDR Commercial Dispute Resolution
glg global legal group

global legal group

Contributing Editor
Euan Burrows, Ashurst LLP

Sales Director
Florjan Osmani

Account Director
Oliver Smith

Sales Support Manager
Toni Hayward

Sub Editor
Oliver Chang

Senior Editors
Suzie Levy
Caroline Collingwood

CEO
Dror Levy

Group Consulting Editor
Alan Falach

Publisher
Rory Smith

Published by
Global Legal Group Ltd.
59 Tanner Street
London SE1 3PL, UK
Tel: +44 20 7367 0720
Fax: +44 20 7407 5255
Email: info@glgroup.co.uk
URL: www.glgroup.co.uk

GLG Cover Design
F&F Studio Design

GLG Cover Image Source
iStockphoto

Printed by
Ashford Colour Press Ltd.
August 2018

Copyright © 2018
Global Legal Group Ltd.
All rights reserved
No photocopying

ISBN 978-1-912509-32-4
ISSN 1757-2819

Strategic Partners

MIX
Paper from responsible sources
FSC® C011748

General Chapters:

Country Question and Answer Chapters:

Further copies of this book and others in the series can be ordered from the publisher. Please call +44 20 7367 0720

Disclaimer
This publication is for general information purposes only. It does not purport to provide comprehensive full legal or other advice.
Global Legal Group Ltd. and the contributors accept no responsibility for losses that may arise from reliance upon information contained in this publication.
This publication is intended to give an indication of legal issues upon which you may need advice. Full legal advice should be taken from a qualified professional when dealing with specific situations.

Greece

Evanthia V. Tsiri

Stavropoulos & Partners

Efthymia N. Armata

1 General

1.1 Please identify the scope of claims that may be brought in your jurisdiction for breach of competition law.

Law 3959/2011 (hereinafter the "**Law**"), as amended, is the core competition law in Greece. Any breach of its antitrust provisions (i.e. articles 1 and 2 which mirror articles 101 and 102 TFEU, respectively) as well as primary EU legislation on competition law raises the following claims, which may be brought before the national competent civil courts (*private enforcement*):

- a claim for declaring a contractual relationship as null and void (case no. 928/2006 issued by the Patras Court of Appeal);
- a claim for damages by persons who have suffered injury due to antitrust violations. Damages may be discerned into pecuniary and non-pecuniary/moral damages. Following the seminal cases *Courage* and *Manfredi*, issued by the European Court of Justice, articles 101 and 102 TFEU are directly applicable and produce direct effects in the sense that any individual can claim compensation for the harm suffered due to antitrust infringements. Similarly, such right to damages is also recognised under Greek jurisprudence regarding violations of articles 1 and 2 of the Law (case no. 1286/2011 issued by the Supreme Court). In addition, a right to full compensation is stipulated in Law 4529/2018 which implemented into Greek law the Antitrust Damages Directive 2014/104/EU;
- according to the prevalent view of Greek legal theory, an individual may ask the competent civil courts to order the cessation and the non-recurrence in the future of an infringement of antitrust laws; and
- an individual may submit a complaint concerning antitrust violations before the Hellenic Competition Commission (hereinafter the "**HCC**"), which is the competent authority for the public enforcement of competition law. The HCC may, upon examination of the complaint, impose administrative fines (*public enforcement*).

This chapter shall solely cover aspects of private enforcement of competition law in Greece.

1.2 What is the legal basis for bringing an action for breach of competition law?

- Articles 1 and 2 of the Law, as well as articles 101 and 102 TFEU, constitute the legal basis for bringing actions for declaratory judgments. Article 70 of the Greek Code of Civil Procedure (hereinafter the "**GCCP**") recognises the right to such action, provided that certain conditions are met (i.e. such action must concern a specific legal relationship and requires a legal interest on the claimant's part especially worthy of protection).
- Law 4529/2018 constitutes the legal basis for bringing claims for damages. In particular, any person (natural or legal) irrespective of whether he is a direct or indirect customer of the infringer and has suffered harm due to an infringement of EU and/or Greek competition law is entitled to full compensation.

1.3 Is the legal basis for competition law claims derived from international, national or regional law?

As aforementioned, the legal basis may derive from both national and European law, whereas no regional law exists.

1.4 Are there specialist courts in your jurisdiction to which competition law cases are assigned?

At present, there are no such specialist courts in Greece. Greek civil courts, namely the Magistrate's Court or the Court of First Instance, are competent, depending on the value of the claim, to hear private disputes due to infringements of competition law.

It should be noted that article 13 of the recently voted Law 4529/2018 provides for the establishment of specialised chambers in the Athens Courts of First Instance and the Athens Court of Appeal. These courts shall comprise of judges specialised in competition or EU law, whilst their territorial competence shall cover the entire Greek territory. Such provision shall apply to lawsuits filed from 16 September 2018 onwards.

1.5 Who has standing to bring an action for breach of competition law and what are the available mechanisms for multiple claimants? For instance, is there a possibility of collective claims, class actions, actions by representative bodies or any other form of public interest litigation? If collective claims or class actions are permitted, are these permitted on an "opt-in" or "opt-out" basis?

According to articles 3, 62 and 68 GCCP in conjunction with article 3 of Law 4529/2018, any person (individual or legal entity, direct or indirect purchaser from the infringer, irrespective of nationality, associations of persons and entities without legal personality), who has suffered damage by another party acting unlawfully and in fault, is entitled to bring an action against that party which caused the damage. This is in line with articles 3 and 12 of the Antitrust Damages Directive 2014/104/EU.

© Published and reproduced with kind permission by Global Legal Group Ltd, London

Article 74 GCCP provides for the possibility of a joinder if either the claimants' rights for damages arise from the same factual and legal basis or the object of the dispute consists of similar claims based on a similar factual and legal basis.

Class/collective actions are not provided in Greek law for competition law cases. However, article 10(16) of Law 2251/1994, as amended, which is the basic legislative regime for consumer protection, provides for representative actions. Such actions may be brought for the protection of the general interests of the consuming public by a consumers' union, should certain requirements be fulfilled.

1.6 What jurisdictional factors will determine whether a court is entitled to take on a competition law claim?

Subject matter jurisdiction depends on the value of the claim. The Magistrate's Court is primarily competent to hear all disputes which can be assessed in monetary terms, where the value of the claim does not exceed €20,000.00, whereas the respective thresholds for Single-Member Court of First Instance vary from €20,001.00 to €250,000.00. The Multi-Member Court of First Instance shall adjudicate on all disputes for which the Magistrate's Court and the Single-Member Court of First Instance are not competent (article 14 GCCP *et seq*.).

Concerning territorial jurisdiction, article 22 GCCP provides for a general jurisdiction rule, according to which a defendant may be sued in the courts of his/her residence/domicile. In addition, article 35 GCCP, in compliance with the recast Brussels Regulation (EU Regulation 1215/2012) on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters, stipulates that claims in respect of torts may be brought in the courts of the place where the harmful event occurred or may occur. It is up to the claimant to choose one of the foregoing venues.

As noted under question 1.4. above, from 16 September 2018 onwards, the specialised chambers in the Athens Courts of First Instance and the Athens Court of Appeal shall cover the entirety of Greece in terms of territorial competence.

1.7 Does your jurisdiction have a reputation for attracting claimants or, on the contrary, defendant applications to seize jurisdiction, and if so, why?

No, it does not.

1.8 Is the judicial process adversarial or inquisitorial?

Judicial process is adversarial in the sense that evidence is produced at the initiative of the parties, and procedural acts are initiated upon the litigants' diligence (article 106 GCCP *et seq*.).

2 Interim Remedies

2.1 Are interim remedies available in competition law cases?

Yes, interim remedies are available.

2.2 What interim remedies are available and under what conditions will a court grant them?

The following interim remedies are available under the GCCP: (i) surety; (ii) registration of a mortgage prenotation; (iii) conservative attachment; (iv) judicial sequestration; (v) interim hearing of claims; (vi) interim regulation of the situation; (vii) impoundment; (viii) release from impoundment; (ix) stock-taking; and (x) public deposit. Civil courts shall grant interim remedies:

i. in case of urgency, or if the courts estimate that this is necessary for the prevention of imminent danger for the purpose of securing or preserving a right or for the purpose of regulating a situation; and

ii. if it reasonably supposed that the measure will serve to temporarily protect a specific right in the need of protection.

3 Final Remedies

3.1 Please identify the final remedies which may be available and describe in each case the tests which a court will apply in deciding whether to grant such a remedy.

On the basis of the claims under question 1.1 above, the following final remedies may be awarded:

- a declaratory judgment declaring an anti-competitive agreement void; and
- damages, which include actual damages, loss of profit and interest calculated from the time the harm occurred until the time of the payment of the compensation, provided that the following requirements are met: (a) unlawful act; (b) liability attributed to the defendant (i.e. intent or negligence); (c) damages; and (d) a causal link between the unlawful act and damages.

3.2 If damages are an available remedy, on what bases can a court determine the amount of the award? Are exemplary damages available? Are there any examples of damages being awarded by the courts in competition cases which are in the public domain? If so, please identify any notable examples and provide details of the amounts awarded.

Damages constitute an available remedy stipulated in Law 4529/2018 and aim to restitute the economic injury that the victim has suffered. Pecuniary damages relate to injury caused to goods that have an economic value and are in principle awarded in the form of monetary compensation, which covers both actual damages and loss of profit. In exceptional circumstances, pecuniary damages may be awarded in the form of "*in natura* restitution". Non-pecuniary damages are granted as a reasonable pecuniary satisfaction and cover moral damage (e.g. damage to legal personality, reputation, etc.).

In Greece, pecuniary damages are quantified on the basis of the actual losses and the loss of profits incurred by the claimant to the extent that there is a direct causal link between the infringement and the damage suffered. Since no specific economic method is applied by the Greek courts regarding quantification of harm, a useful tool to this effect may be the non-binding Commission's Communication and Practical Guide on quantifying antitrust harm in damages actions, which was issued as a complementary measure to the EU Damages Directive. Non-pecuniary damages are calculated at the discretion of the court and should be reasonable.

In addition, Law 4529/2018 provides that in cases it is practically impossible or excessively difficult for the plaintiff to precisely quantify such damages on the basis of the available evidence the courts may award damages on the basis of likelihood, taking into consideration the kind and the extent of the infringement as well as the claimant's diligence in the collection and proper use of evidence.

© Published and reproduced with kind permission by Global Legal Group Ltd, London

The courts may ask for the assistance of the HCC, as *amicus curiae*, if it deems this to be appropriate.

Greek law does not provide for exemplary/punitive damages.

Private litigation for antitrust infringements in Greece is currently underdeveloped. In that regard, there are no notable cases to refer to since the awarded amounts by the courts are rather low.

3.3 Are fines imposed by competition authorities and/or any redress scheme already offered to those harmed by the infringement taken into account by the court when calculating the award?

No, they are not.

4 Evidence

4.1 What is the standard of proof?

Greek civil courts must be satisfied about the truth of the parties' allegations "beyond reasonable doubt". However, in cases that the courts award interim measures, probability is sufficient regarding the veracity of allegations.

4.2 Who bears the evidential burden of proof?

The burden of proof lies with the party invoking the necessary factual elements in order to substantiate its claim or counterclaim.

4.3 Do evidential presumptions play an important role in damages claims, including any presumptions of loss in cartel cases that have been applied in your jurisdiction?

Following the entry into force of Law 4529/2018, the following presumptions apply:

i. in case a litigant party fails or refuses to comply with a disclosure order by the court or is unable to comply due to previous destruction of the evidence, the allegations of the requesting for the disclosure order party are considered to be proven;

ii. a rebuttable presumption that infringements arising from cartels cause damages; and

iii. a rebuttable presumption introduced in favour of the pass-on overcharge to an indirect purchaser should certain conditions be met (see question 5.2 below).

4.4 Are there limitations on the forms of evidence which may be put forward by either side? Is expert evidence accepted by the courts?

The means of evidence that may be invoked by the litigants before the civil courts are exhaustively listed in the GCCP and are, especially: confession; inspection; expert evidence; documents; litigants' examination; witnesses; and affidavits (i.e. sworn statements). As indicated above, expert evidence is an accepted means of evidence by the GCCP. It is noted that documentary evidence is the most important evidence in Greek litigation.

4.5 What are the rules on disclosure? What, if any, documents can be obtained: (i) before proceedings have begun; (ii) during proceedings from the other party; and (iii) from third parties (including competition authorities)?

There are no requirements on a lawyer's duty to ensure full disclosure under the GCCP. Parties are free to choose the documents they wish to disclose and file them with the trial bundles. In principle, any documents/means of evidence referred in an action, which support the factual allegations of a party, must be disclosed with that party's pleadings, within 115 days from the filing of the claim. Such evidence is also taken into account for the proof of the arguments of the opposing party.

Exceptionally, article 450(2) GCCP provides that a litigant may request the competent court to issue an order enforcing the other litigant or a third party (including the HCC) to produce documents in the latter's possession, which may provide evidence regarding the litigants. The requested party may deny such disclosure only for material reasons (e.g. professional secrecy, self-incrimination).

In addition, Law 4529/2018 regulates disclosure of evidence with regards to antitrust damages claims. In particular, upon request of the claimant who invokes specific evidence which is under the control of the defendant or a third party and provided that the claimant has submitted reasonably available evidence, which is sufficient for the substantiation of its claims for damages, the court may order the disclosure of evidence being in the control of the defendant or a third party. In addition, the court may order the claimant or the third party to grant access to the defendant with regards to evidence held by such parties. The court shall order the disclosure of evidence in accordance with the principle of proportionality. In that context, it shall consider: (i) the extent to which the request for disclosure is supported by the available facts and evidence; (ii) the extent and the cost of the disclosure; and (iii) whether the requested evidence includes confidential information.

Furthermore, Law 4529/2018 includes specific rules with regards to disclosure of evidence included in the file of the competition authority. In particular, the court may order the disclosure of evidence kept in such file, taking into account whether the request for disclosure is specifically justified, whether there has been already filed a claim for damages and the need for compliance with the provisions of competition law. Evidence consisting of leniency statements, settlement submissions or documents that include direct extracts of the above is inadmissible in actions for damages (black list). On the other hand, after the competition authority has closed its proceedings, the court may order the disclosure of: (i) documents and information drafted by a natural or legal person in the context of the proceedings before the competition authority; (ii) documents and information drafted by the competition authority; and (iii) withdrawn settlement submissions (grey list). Finally, other pieces of evidence which are included in the file of the competition authority and do not fall within the black or the grey list may be disclosed at any time.

4.6 Can witnesses be forced to appear? To what extent, if any, is cross-examination of witnesses possible?

Witnesses are not forced to appear under the GCCP. Following the recent amendment of the GCCP by virtue of Law 4335/2015, cross-examination of witnesses is exceptional since it may be conducted only following an order issued by the competent judge. Furthermore, each litigant may submit written sworn statements of witnesses which are accessible by the other litigant.

© Published and reproduced with kind permission by Global Legal Group Ltd, London

4.7 Does an infringement decision by a national or international competition authority, or an authority from another country, have probative value as to liability and enable claimants to pursue follow-on claims for damages in the courts?

Article 16(1) of EU Regulation 1/2003 provides that national courts cannot take decisions running counter to the decision adopted or contemplated by the European Commission. Thus, the claimant in subsequent proceedings before national courts may rely on the European Commission's decision finding a breach of the competition rules as a binding proof.

Furthermore, pursuant to article 35(1) of the Law, any decisions issued by the Administrative Court of Appeal (i.e. competent court to hear appeals upon points of fact and law against decisions issued by the HCC) and the Council of State (its judicial review covers appeals against decisions issued by the Administrative Court of Appeal, only on points of law) have the force of "*res judicata*" and accordingly they are binding regarding their findings on whether an antitrust violation has occurred.

In line with the above, Law 4529/2018 stipulates that the courts are bound by final decisions (i.e. not subject to appeal) of either the national competition authority or the European Commission with regards to competition law infringements. Final decisions issued by other Member States constitute *prima facie* evidence with regards to the infringement.

4.8 How would courts deal with issues of commercial confidentiality that may arise in competition proceedings?

As described in question 4.5 above, the requested party by virtue of article 450(2) GCCP is not obliged to disclose information that entails issues of commercial confidentiality. In addition, Law 4529/2018 lists confidential information among the factors which should be considered by the court for ordering disclosure of evidence.

4.9 Is there provision for the national competition authority in your jurisdiction (and/or the European Commission, in EU Member States) to express its views or analysis in relation to the case? If so, how common is it for the competition authority (or European Commission) to do so?

As per article 35(3) of the Law, courts of all jurisdictions which apply articles 101 and 102 TFEU may ask: (a) the European Commission to send them information in its possession or to formulate an opinion on matters pertaining to the application of EU competition law; and (b) the HCC to formulate an opinion on the above matters and on matters pertaining to the application of articles 1 and 2 of the Law.

In line with the above, Law 4529/2018 provides that with regards to the quantification of damages the courts may ask for the assistance of the HCC as *amicus curiae*, if it deems this to be appropriate.

5 Justification / Defences

5.1 Is a defence of justification/public interest available?

For events of *force majeure*, self-defence and reaction to illegal conduct, consent may be invoked by the defendant as grounds of justification. Public interest defence is not available under the GCC.

5.2 Is the "passing on defence" available and do indirect purchasers have legal standing to sue?

The defendant, bearing the relevant burden of proof, may invoke as a defence against a claim for damages the fact that the claimant raised the downstream prices to its customers and thus "*passed on*" all or part of the overcharge arising from the competition law infringement.

A rebuttable presumption is introduced in favour of the pass-on of the overcharge to an indirect purchaser provided that the latter proves that: (i) the defendant has breached EU and/or Greek competition law; (ii) competition law infringement resulted in the overcharging of the direct purchaser by the defendant; and (iii) the indirect purchaser bought the related to the infringement goods/services.

5.3 Are defendants able to join other cartel participants to the claim as co-defendants? If so, on what basis may they be joined?

There are no specific provisions regarding the intervention of a third party in competition law proceedings. Under the GCCP, a third party may intervene in support of a defendant if it has a legal interest (i.e. win the pending case).

6 Timing

6.1 Is there a limitation period for bringing a claim for breach of competition law, and if so how long is it and when does it start to run?

Law 4529/2018 provides for a five (5) year limitation period which starts to run after the injured party knows or is reasonably expected to know the antitrust infringement, the damage and the infringer's identity. In the event that the infringement ceased subsequently, the limitation period starts running as of the time the infringement ceased.

In any case, claims against the infringer are time-barred twenty (20) years following the cease of the infringement. The limitation period is suspended if a competition authority launches an investigation on the infringement or if proceedings are brought before the competition authority regarding the infringement. The suspension ends one (1) year after the infringement decision has become final or the proceedings have been otherwise terminated.

With regards to horizontal anti-competitive agreements (cartels), the limitation period for claims that are raised by a party other than direct or indirect buyers or suppliers and are directed against infringers who participate in leniency programmes commences following the fruitless enforcement or following the final rejection of the injured party's action against the other participants of such horizontal agreement.

6.2 Broadly speaking, how long does a typical breach of competition law claim take to bring to trial and final judgment? Is it possible to expedite proceedings?

Until the recent amendment of the GCCP by virtue of Law 4335/2015, the hearing of a case was normally scheduled after a period of approximately one year from the date the claim was lodged before the secretary of the competent court. Courts normally delivered their judgments within six months from the hearing. Nevertheless, it should be emphasised that the foregoing time-frames varied, especially in cases of adjournment of the hearing, which was a common practice in the Greek judicial system.

© Published and reproduced with kind permission by Global Legal Group Ltd, London

Following the recent amendment of the GCCP, which intends to accelerate the judicial proceedings, hearing of a case may take place within 160 days from the filing of the claim. It should be noted that such a timeline is indicative. Moreover, under the new legislative framework, it is not possible to postpone the hearing.

Finally, it is not possible to expedite proceedings in Greece.

7 Settlement

7.1 Do parties require the permission of the court to discontinue breach of competition law claims (for example if a settlement is reached)?

Discontinuation of any action may be achieved in various ways, none of which requires the court's permission. With respect to settlement, the GCCP provides for judicial as well as extra-judicial settlement of disputes, according to which the parties are entitled to attempt to resolve their disputes at any time following the initiation of the legal proceedings (or even before such initiation in the case of judicial settlement) and before the issuance of a final court decision. Regarding extra-judicial settlement, the parties should conclude a settlement agreement and submit such agreement dated and signed by them before the presiding judge of the competent court, in order to have such agreement duly stamped and certified. Following this procedure, the trial is abolished. With respect to judicial settlement, if the parties reach an agreement, minutes of the mediation should be drawn and signed by the mediator, the parties and their lawyers in order to be filed with the court secretariat where the mediation took place.

7.2 If collective claims, class actions and/or representative actions are permitted, is collective settlement/settlement by the representative body on behalf of the claimants also permitted, and if so on what basis?

As indicated under question 1.5 above, no class/collective actions are provided for competition law claims.

8 Costs

8.1 Can the claimant/defendant recover its legal costs from the unsuccessful party?

The general rule is that the losing party pays the legal costs. Nevertheless, in cases of partial winning and partial defeat, the court may allocate the legal costs in proportion to the extent of the success or defeat of each party. Finally, the court may set off the legal costs in cases where the interpretation of the applicable law is rather complicated.

8.2 Are lawyers permitted to act on a contingency fee basis?

In accordance with the Code of Lawyers, a lawyer may agree with his/her client to be remunerated on the basis of the outcome of the case or on any other criterion. However, such remuneration shall not exceed 20% of the value of the case.

8.3 Is third party funding of competition law claims permitted? If so, has this option been used in many cases to date?

Third party funding is not provided for in the Greek legal system.

9 Appeal

9.1 Can decisions of the court be appealed?

Judgments issued by the Court of First Instance may be appealed against before the Court of Appeal on errors in law and in fact. An appeal may be filed by either the defeated party or the successful party, if its case has only partially been accepted. Following the issuance of a decision by the appellate court, this decision may be contested by means of a cassation before the Supreme Court, but only on the basis of errors in law.

10 Leniency

10.1 Is leniency offered by a national competition authority in your jurisdiction? If so, is (a) a successful, and (b) an unsuccessful applicant for leniency given immunity from civil claims?

Decision no. 526/VI/2011, issued by the HCC, provides for leniency in Greece. Law 4529/2018 does not attribute immunity from civil claims to leniency applicants. In addition, Law 4529/2018 derogates from the principle that undertakings which have infringed competition law through joint behaviour are jointly and severally liable for the harm caused by the infringement of competition law with regards to immunity recipients. In that case, the injured parties may claim compensation from the leniency applicant where full compensation cannot be obtained from other cartel participants.

10.2 Is (a) a successful, and (b) an unsuccessful applicant for leniency permitted to withhold evidence disclosed by it when obtaining leniency in any subsequent court proceedings?

Law 4529/2018 prohibits disclosure by a court order of leniency statements and settlement submissions on follow-on actions. In addition, Greek courts should consider as well the joint position of all ECN Competition Authorities following the *Pfleiderer* judgment, according to which leniency materials should be protected against disclosure to the extent necessary to ensure the effectiveness of leniency programmes.

11 Anticipated Reforms

11.1 For EU Member States, highlight the anticipated impact of the EU Directive on Antitrust Damages Actions at the national level and any amendments to national procedure that are likely to be required.

Following the transposition of the EU Damages Directive into Greek law, the following reforms to damages litigation have occurred in Greece:

- indirect purchasers' burden of proof is alleviated by the adoption of a rebuttable presumption regarding the passing on of overcharges upon fulfilment of certain conditions;

© Published and reproduced with kind permission by Global Legal Group Ltd, London

- proof of compensation for cartel victims' is facilitated, given that a rebuttable presumption is established, according to which cartels cause harm;
- easier access to evidence for victims is provided, since victims are entitled to ask for disclosure of categories of evidence; and
- damages may be assessed on the basis of likelihood in cases it is practically improbable.

11.2 What approach has been taken for the implementation of the EU Directive on Antitrust Damages Actions in your jurisdiction?

Law 4529/2018 is in line with the requirements of the Antitrust Damages Directive.

11.3 Please identify with reference to transitional provisions in national implementing legislation, whether the key aspects of the Directive (including limitation reforms) will apply in your jurisdiction only to infringement decisions post-dating the effective date of implementation or, if some other arrangement applies, please describe.

Law 4529/2018 has followed the Antitrust Damages Directive since its substantive provisions have applied from 27 December 2016, whilst its procedural provisions apply to civil damage actions filed from 26 December 2014.

11.4 Are there any other proposed reforms in your jurisdiction relating to competition litigation?

No, there are not.

Evanthia V. Tsiri
Stavropoulos & Partners
58 Kifissias Avenue
151 25 Maroussi
Athens
Greece

Tel: +30 210 363 4262
Email: E.Tsiri@stplaw.com
URL: www.stplaw.com

Evanthia Tsiri is a founding partner of Stavropoulos & Partners Law Office. She focuses particularly on competition, mergers & acquisitions, corporate & commercial, EU law, banking & finance, real estate & construction and dispute resolution. She has more than 30 years of professional experience. In the period 1983–1984 she worked in Brussels for a law firm specialising in EU law. From 1985–2009 she was also a member of the Legal Department of the Bank of Greece and deputy head of the Banking and Credit Issues Section. She has a client portfolio that includes national and multinational corporations, listed and privately owned, and institutional investors. Evanthia has deep knowledge of EU and Greek competition law matters and has been engaged in substantial contentious and non-contentious cases in this area, with her most recent work highlight acting for a major multinational in the FMCG sector in a case of alleged abuse of dominance.

Efthymia N. Armata
Stavropoulos & Partners
58 Kifissias Avenue
151 25 Maroussi
Athens
Greece

Tel: +30 210 363 4262
Email: E.Armata@stplaw.com
URL: www.stplaw.com

Efthymia Armata has been an associate at Stavropoulos and Partners Law Office since 2012. She has completed an internship with the European Commission (D.G. Environment/Unit of Sustainable Consumption and Production) where she assisted with the drafting of the Waste Framework Directive and has worked as a legal editor in a competition law network organised under the auspices of the D.G. Competition of the European Commission. She specialises in EU and Greek competition law acting in a number of industries with a particular focus on the FMCG sector. In particular, she assists in preparing replies to requests for information regarding sectoral/*ad hoc* investigations of the Hellenic Competition Commission and regularly advises on commercial policies, rebate systems and other practices for scrutiny with market dominance restrictions as well as on practices arising from vertical and horizontal relationships. She also focuses on data protection, commercial, EU & consumer law and banking & finance.

STAVROPOULOS & PARTNERS LAW OFFICE

Stavropoulos & Partners Law Office is a partnership of lawyers established in Athens which offers a wide range of legal services, with a particular emphasis on EU & competition, tax & tax litigation, mergers & acquisitions, corporate & commercial, data protection and dispute resolution. Our team consists of highly competent and experienced professionals working closely together to deliver excellent legal services. With a successful track record of 27 years of operation our law firm has gained a well-established position and a good reputation in the Greek legal market. We are privileged to serve on a regular basis companies which are considered as "blue chip" internationally, but also have vested and continuous interests and activities in Greece, handling complex and important work that requires a high level of expertise and perseverance. Our clients praise our commitment and place their trust in us by maintaining longstanding relationships. Our main target is to successfully meet the increasing demands of our clientele with a high degree of dynamism, flexibility and close personal contact.

© Published and reproduced with kind permission by Global Legal Group Ltd, London

Other titles in the ICLG series include:

- Alternative Investment Funds
- Anti-Money Laundering
- Aviation Law
- Business Crime
- Cartels & Leniency
- Class & Group Actions
- Construction & Engineering Law
- Copyright
- Corporate Governance
- Corporate Immigration
- Corporate Investigations
- Corporate Recovery & Insolvency
- Corporate Tax
- Cybersecurity
- Data Protection
- Employment & Labour Law
- Enforcement of Foreign Judgments
- Environment & Climate Change Law
- Family Law
- Fintech
- Franchise
- Gambling
- Insurance & Reinsurance
- International Arbitration
- Investor-State Arbitration
- Lending & Secured Finance
- Litigation & Dispute Resolution
- Merger Control
- Mergers & Acquisitions
- Mining Law
- Oil & Gas Regulation
- Outsourcing
- Patents
- Pharmaceutical Advertising
- Private Client
- Private Equity
- Product Liability
- Project Finance
- Public Investment Funds
- Public Procurement
- Real Estate
- Securitisation
- Shipping Law
- Telecoms, Media & Internet
- Trade Marks
- Vertical Agreements and Dominant Firms

glg global legal group

59 Tanner Street, London SE1 3PL, United Kingdom
Tel: +44 20 7367 0720 / Fax: +44 20 7407 5255
Email: info@glgroup.co.uk

www.iclg.com