



COMMISSION FOR THE PROTECTION OF COMPETITION (C.P.C)

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COMMISSION FOR THE PROTECTION OF COMPETITION DECISION

Relating to a proceeding under section 6 of Law 207/89

(Case No.: 11.17.8A/2003)

Decision dated: 1/3/2005

Before: Christodoulos Tselepos- Chairman
Leontios Pericleous- Member
Andreas Demetriou - Member
Elias Theodorou – Member

Having regard the Protection of Competition Law 207/89 (hereinafter «the Law»), as amended,

Having regard the complaints filed by the kiosks' owners Mr. Pavlos Poullos, Mr. Leandros Symeou, Mr. Demetrakis Christoforou and the company Scuralie Trading Ltd against the press distribution agencies Hellenic Distribution Agency Ltd (hereinafter «Hellenic») and Kronos Ltd (hereinafter «Kronos»),

The Commission for the Protection of Competition (C.P.C.) in its meeting 1/3/2005 unanimously decided as follows:

1. The kiosks' owners Mr. Pavlos Poullos, Mr Leandros Symeou, Mr Demetrakis Christoforou and the company Scuralie Trading Ltd filed complaints against the press distribution agencies Hellenic and Kronos for a possible infringement of section 6 of the Law. Specifically, they complained that the two agencies had abused their dominant position in the market of distribution of newspapers and magazines due to the fact they granted different percentages of commission on sales to their customers and also, they demanded from them a different amount of deposit. Also, the said agencies were accused for refusal to supply newspapers and magazines.
2. The C.P.C., pursuant to section 22 of the Law, instructed its Service to conduct investigations on the basis of the complaints filed by the kiosks' owners and the company Scuralie Trading Ltd.
3. The C.P.C. after examining the proper preliminary investigations of the Service unanimously decided that the above mentioned acts of the agencies constituted

prima facie an infringement of section 6(a)(b)(c) of the Law, which involves an abuse of dominant position.

4. For this purpose the C.P.C., on the basis of section 14(1) of the Law instructed the Secretary of the C.P.C. to issue and notify a statement of objection to the press distribution agencies, inviting them to attend the meeting dated 21st of February 22 2005, personally, either with a lawyer or by an authorised lawyer to set their views and objections.
5. At the meeting dated 1st of March 2005, the lawyers of the defendants admitted on behalf of the press distribution agencies that the acts of the said agencies constituted abuses of section 6(1),(2)(b)(c) of the Law and stated that their customers were ready to comply fully with the recommendations of the C.P.C..
6. The C.P.C., at the same meeting, taking into consideration all the information before it arising from the investigative reports of the Service, as well as from the views and positions of the interested parties and pursuant to section 22 of the Law unanimously decided that under these circumstances the imposition of any immediate pecuniary penalty against the defendants was not necessary. However simultaneously, it was regarded as essential to make the following recommendations to the two agencies:
 - (a) to comply immediately with the provisions of section 6 and to terminate the infringement of refusal to supply newspapers and magazines if the refusal is not justified by objective reasons,
 - (b) to terminate the application of dissimilar conditions regarding the commissions that are given from the defendants to their customers within six months from the day of the decision of the Commission.
 - (c) to terminate the application of dissimilar conditions regarding the deposits within two months from the day of the decision of the Commission,
 - (d) In case where the time limits mentioned above expire and it is found that any of them infringements still continues, then a fine of an amount of one thousand five hundred pounds shall be owed for each day the infringement continues.

The C.P.C. rejected the complaints of the company Scuralie Trading and of the kiosk owner Mr. Demetrakis Christoforou because they did not show any interest in promoting their complaint.