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Competition Law Notes@Greece

HCC Issues Practical Guide on Resale Price Maintenance

01/20

The Hellenic Competition Commission (the “HCC”) has published a practical guide on resale price maintenance (“RPM”). The guide defines RPM as the business conduct (agreement or concerted practice) whereby a supplier directly or indirectly restricts the ability of the buyer/reseller to independently determine the resale price of the products supplied and results in their resale at fixed or minimum prices. By providing examples, the HCC explains what RPM is, its treatment under competition law, and HCC’s enforcement practice on RPM. This guide intends to help enterprises understand when and why RPM is prohibited and to encourage them to assess their own behavior.

The guide is available in Greek and includes, *inter alia*, two appendices:



- Appendix I sets out good-practice checklists (dos and don'ts) for both suppliers and resellers.
- Appendix II provides an overview of the HCC's decisional practice in RPM practices, noting that since 2010 the HCC has issued approximately 20 RPM-related decisions and presenting indicative recent examples from the 2022–2025 period.

Competition Law Notes@EU

General Court Upholds Commission Decision in Ethanol Cartel Case

02/20

In Case T-93/24, the General Court of the European Union dismissed Lantmännen's appeal and upheld the European Commission (the "Commission") decision finding that it participated in a cartel on the European ethanol market, thereby maintaining the €47.718 million fine. Lantmännen challenged the Commission's staggered "hybrid" procedure (i.e. a settlement decision for one party followed by ordinary proceedings for non-settling parties), arguing, primarily a breach of the presumption of innocence and in the alternative a breach of impartiality. In particular:

- **Presumption of innocence:** The Court held that a staggered hybrid procedure is not unlawful, provided the settlement decision is drafted with sufficient safeguards so it does not prematurely attribute liability to non-settling parties.
- **Impartiality:** The Court recalled that Article 41 of the EU Charter covers both subjective and objective impartiality, and noted that Lantmännen relied only on the latter. It found no legitimate doubts of bias, rejecting in particular the claim that a settlement decision addressed to a single undertaking implies the Commission had already concluded that other parties participated. The Court stressed that the settlement decision does not entail any legal consequence affecting decisions taken at the subsequent ordinary procedure for non-settling parties and found nothing in the file indicating inadequate safeguards against bias.



State Aid Notes

Commission Opens In-Depth Investigation into Bulgarian Arbitration Award

03/20

The Commission has initiated an in-depth investigation to determine whether a €61.04 million arbitration award, ordered by a tribunal against Bulgaria in favor of ACF Renewable Energy Limited, complies with EU State aid rules. The Commission's preliminary view is that the award, which compensates



the investor for changes to renewable energy support schemes, awarding it the aid that it would have received, had the State aid Measure not been amended, constitutes State aid that is incompatible with the internal market. As the dispute is considered "intra-EU", the investigation will specifically assess potential breaches of the EU Treaties regarding the ultimate jurisdiction of the Court of Justice of the European Union and the principle of autonomy of the EU legal order.

FSR Notes

Commission Publishes Long-Awaited Foreign Subsidies Regulation Guidelines

04/20

The Commission has published Guidelines under the Foreign Subsidies Regulation ("FSR") to enhance legal certainty and transparency, stressing that - given the early stage of enforcement - the Guidelines are not a mechanical checklist, but a framework for case-by-case assessment.

Key points:

- **Assessment of distortions (Article 4(1) FSR):** Once the Commission finds that a company active in the EU has benefited from a foreign subsidy, it applies a two-step assessment. First, it examines whether the subsidy strengthens the beneficiary's competitive position in the EU. Second, it assesses the impact on competition by examining whether the subsidy is liable to alter the beneficiary's competitive behaviour and market dynamics to the detriment of other operators. The Guidelines include a non-exhaustive list of subsidies that may be considered distortive.
- **Assessment of distortions in public procurement (Article 27 FSR):** Where there are indications that a foreign subsidy may have affected the terms of a tender, the Commission will assess whether the operator may have used the subsidy in designing its bid. If so, it will examine whether the bid is unduly advantageous, including by comparison with other bids and the contracting authority's estimates. If it is, the Commission will assess whether the advantage stems to an appreciable extent from the foreign subsidy or from other justifiable factors.
- **Balancing test (Article 6 FSR):** The Commission will weigh the negative effects of a distortive foreign subsidy against any possible positive effects, taking into account only positive effects that are specific to the subsidy under assessment, the severity of the distortion, and whether the positives can be achieved without the distortion. If positive effects outweigh negatives, the Commission will not object; otherwise, it may accept commitments or impose redressive measures.
- **Call-in powers (Articles 21(5) & 29(8) FSR):** The Commission may require prior notification of below-threshold concentrations and procurement-related foreign financial contributions where certain conditions are met, particularly where it suspects relevant foreign subsidies were granted in the preceding three years. The Guidelines set out safe harbors, including low-value public procurement procedures, subsidies below €4 million, and subsidies addressing certain extraordinary circumstances, and clarify that call-ins must occur before concentrations are fully implemented or contracts awarded.

This publication fulfils the Commission's obligation under Article 46 FSR to issue Guidelines by 13 January 2026 and constitutes a key milestone in the implementation of the FSR.



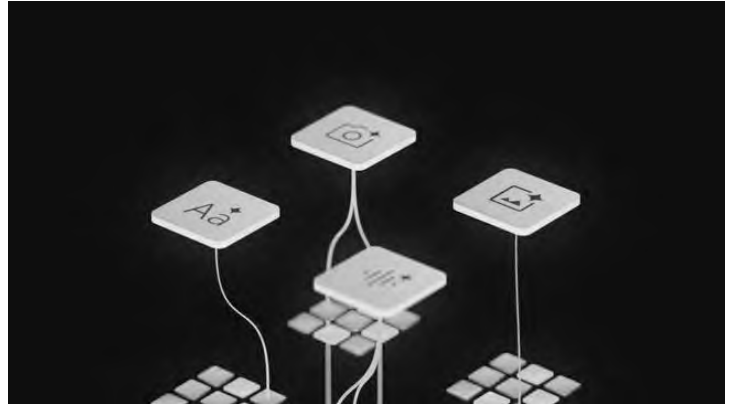
DMA Notes

Commission Initiates Specification Proceedings for Google's DMA Compliance

05/20

The Commission opened two specification proceedings to assist Google in complying with its obligations under the Digital Markets Act (the "DMA"). The first concerns Article 6(7) of the DMA and will specify how Android must provide third-party developers with free and effective interoperability with hardware and software features controlled by Android, focusing on features used by Google's AI services (e.g., Gemini). The second concerns Article 6(11) of the DMA and will specify FRAND access for third-party online search engine providers to anonymized ranking, query, click and view data held by Google Search, including dataset scope, anonymization, access conditions and whether AI Chatbot providers may qualify for access.

The Commission aims to conclude the proceedings within six months and will issue preliminary findings within three months. The proceedings do not take a position on DMA compliance and are without prejudice to the Commission's powers to adopt non-compliance decisions, including imposing fines or periodic penalty payments.



DSA Notes

Commission Designates WhatsApp as a Very Large Online Platform

06/20

The Commission has formally designated WhatsApp as a Very Large Online Platform ("VLOP") under the Digital Services Act ("DSA"), as its Channels feature reached the designation threshold of at least 45 million users in the EU. While WhatsApp's private messaging service remains explicitly excluded from the scope of an online platform under the DSA, the "Channels" feature is classified as an online platform service, making it subject to general DSA obligations. Meta Platforms has until mid-May 2026 to ensure compliance with additional VLOP obligations, which include assessing and mitigating systemic risks such as fundamental rights violations, electoral processes, and the dissemination of illegal content. Supervision of these obligations will be conducted by the Commission in coordination with the Irish Digital Services Coordinator.



Insolvency Notes

Cross-Border Insolvency Watch: Greek Recognition Under the Greek Model Law Denied, Litigation Continues

07/20

When cross-border restructurings meet local recognition hurdles, outcomes can diverge sharply across jurisdictions. A large, international shipping group completed, following petition by its creditors, a U.S. Chapter 11 Reorganization in late 2024, installing a new board upon effectiveness of the Chapter 11 plan (the “Plan”). In Greece, however, the Athens Multi-Member Court of First Instance, namely the *ratione materiae* competent court for the recognition of foreign insolvency proceedings under Greek Law 3858/2010 (reflecting the provisions on the 1997 UNCITRAL Model Law on Cross-Border Insolvency), rejected, by virtue of Decision 272/2025, the recognition of the U.S. insolvency proceedings. The Court, going out of its way, held that the Chapter 11 debtor in possession (hereinafter “DIP”) does not constitute a “trustee” within the meaning of Article 2 d of Law 3858/2010, nor that the DIP would be empowered to file a petition for the recognition of the US court decision. This approach seems to disregard the functions and duties entrusted to DIPs under US law. In addition, the Court rejected the petition for recognition on the grounds that it was filed by a “group of companies”, a legal construct not existing under Greek law, and thus contrary to Greek legal order, as set out in Article 6 of the Law 3858/2010. Indeed, Greek law does not vest groups of companies with distinct legal capacity; each group company constitutes a separate and legally autonomous entity and must file a separate petition for creditor protection. The matter, however, of a cumulative petition filed by each of the group companies separately –and judged by the competent court as a whole- is generally accepted under Greek law. Again, this approach appears to be flawed, this time of the facts of the case at hand.

As a result of the rejection, the Plan and confirmation order have no effect under Greek law, while former creditors converted into shareholders under the Plan remain creditors for Greek-law purposes, absent the recognition of the US court judgment. The Athens Multi-Member Court of First Instance judgment is currently under appeal.



Employment Notes

Issuance of the Circular No. 2141/27-1-2026 of the Ministry of Labour

08/20



The Ministry of Labour has issued Circular No. 2141/27.01.2026, concerning the training programmes for employers and employees in Category B and Category C enterprises for the year 2026.

The Circular clarifies the procedures and conditions for the implementation of the provisions of:

- Ministerial Decision No. 2432/12.01.2024, titled “Training of employers and employees on matters related to the performance of the duties of Safety Technician in Category B and Category C enterprises” (Government Gazette B’ 155), and
- The Code of Laws on the Health and Safety of Employees, ratified by Article One of Law No. 3850/2010, as codified by Presidential Decree No. 62/2025 (Labour Law Code), and recently amended by Law No. 5239/2025.

Law No. 5278/2026 on the “National Social Agreement for Strengthening Collective Labour Agreements”

09/20

The Parliament has approved, by majority vote, the draft bill of the Employment Ministry under title “National Social Agreement for Strengthening Collective Labour Agreements”, following a roll-call vote. The bill was passed in principle and in its entirety with 158 votes in favor and 134 against, out of 292 members who voted.

Law No. 5278/2026:

- Simplifies the extension of collective labour agreements by lowering the required coverage thresholds.
- Strengthens employee protection after the expiration of collective agreements by restoring full continuation of terms.
- Ensures that, within a period of three (3) months after the expiry of a collective agreement the same terms continue to apply to newly hired employees. After this three-month period, all provisions of the collective agreement will remain in force until a new collective or individual employment agreement is concluded.
- Accelerates dispute resolution procedures through streamlined mediation and arbitration mechanisms.

ERGANI II Information System Became Operational as of 16 February 2026

10/20

The new Information System ERGANI II officially went into full operation on Monday, 16 February 2026, marking the transition of Greece’s labor market into a new digital era. The new platform simplifies procedures, strengthens employee protection, reduces bureaucracy for businesses and enhances transparency. Replacing ERGANI I, the system introduces a modern digital tool aligned with gov.gr standards and incorporating provisions of the recent employment Laws No. 5053/2023 and No. 5239/2025, streamlining processes and reducing administrative burdens for enterprises.

In the context of the transition to the new ERGANI II Information System, a concise as well as a complete guide to compliance obligations has been issued by the Ministry of Employment, in order to assist businesses in understanding and fulfilling their obligations related to the updated system.

Issuance of Ministerial Decision No. 4364/2026 regarding the Electronic Submission of Forms to the Employment Inspectorate and the Public Employment Service

11/20

Ministerial Decision No. 4364/2026 introduces amendments to the ministerial decision No. 40331/2019 regulating the electronic submission of forms to the Employment Inspection Authority and the Public Employment Service, aligning procedures with the new ERGANI II Information System. The new Ministerial Decision updates the administrative process “Digital Declaration of Commencement of Employment in ERGANI II,” clarifying that the declaration must be submitted before the commencement of the employment. It specifies alternative valid submission methods, including the following alternatives: (a) attachment of a scanned form signed by the employee; (b) attachment of a form bearing the employee’s certified electronic signature; (c) attachment of a form digitally verified by the employee via gov.gr; or (d) digital acceptance of the declaration by the employee through “MyErgani” application. If the employee fails to take the required action within the specified deadline, the declaration will be automatically submitted to the ERGANI II Information System.

Statistical Data Related to Inspections Performed by the Employment Inspection Authority in 2025

12/20

The Employment Inspection Authority carried out 82.412 inspections in 2025, i.e. increased by 4% compared to 2024, while it imposed a total of EUR 53,4 million within the same year.

GDPR Notes

EU Digital Omnibus: Key Changes

13/20

Following the European Commission’s announcement on 19 November 2025, the proposed amendment of the Digital Omnibus aims to simplify the EU’s “Digital Rulebook” on data protection, cybersecurity, and artificial intelligence.

The Digital Omnibus Package consists of:

- A Digital Omnibus Regulation, which would amend, amongst others, the EU General Data Protection Regulation (GDPR), ePrivacy Directive, NIS2 Directive and Data Act, and
- A Digital Omnibus on AI, which would amend the EU AI Act.



Key GDPR-Related Changes.

In the context of the GDPR, the proposal introduces targeted simplifications such including:

- Expanded exemptions from the obligation to maintain records of processing activities (ROPA).
- Redefinition of personal data based on reasonable identifiability of the individual, and
- Replacement of traditional cookie banners with automated, machine-readable consent mechanisms.

Furthermore, the proposal aims to narrow the scope of “sensitive data” protections by:

- Allowing limited use of biometric data for user-controlled identity verification, and
- Excluding indirect inferences or algorithmic profiles from the strict GDPR regime.

Next Steps in the Legislative Process

The Digital Omnibus Package was open for public consultation until 29 January 2026. The feedback received will be considered during the upcoming legislative debate as the proposals progress through the EU’s ordinary legislative procedure in the European Parliament and Council.

The final text will ultimately depend on the review and negotiations between the three institutions, and further amendments are widely expected during the legislative process.

EDPB and EDPS Joint Opinion 2/2026 on the Proposal regarding the Change to the Definition of Personal Data

14/20

The Joint Opinion by the European Data Protection Board (EDPB) and the European Data Protection Supervisor (EDPS) argues that altering the core definition of personal data would:

- Limit the scope of application of the GDPR.
- Undermine the protection of the fundamental rights and freedoms of individuals, and
- Result in a more restrictive interpretation of the concept of personal data.

For these reasons, the EDPB and the EDPS strongly urge the co-legislators not to adopt the above proposed changes.

The European Union Allocates Over €307 Million for AI and Strategic Digital Technologies

15/20

The European Commission has launched two new calls under the ‘Digital, Industry and Space’ cluster of the Horizon Europe Work Programme, committing a total of €307.3 million that will be directed toward:

- Trustworthy AI services.
- Robotics and quantum technologies.
- Virtual worlds and next-generation AI agents.
- Industrial and service-sector robotics applications.

The application remains open to businesses, academia, and public administration until 15 April 2026.

National Cybersecurity Authority Launches Web-Based Self-Assessment Tool

16/20

On 15 January 2026, the National Cybersecurity Authority launched its Cyber Security Self-Assessment Tool as a web-based application, designed to support organizations in evaluating the security posture of their network and information systems.

This initiative offers an effective and secure framework to help organizations enhance their cybersecurity resilience and improve their reporting capabilities.

European Commission Proposes an Enhanced Cybersecurity Package to Bolster European Union's Resilience

17/20

The European Commission has introduced a comprehensive cybersecurity package, featuring a proposal for a revised Cybersecurity Act and targeted amendments to the NIS2 Directive, aiming to strengthen the EU's resilience against state and criminal cyber threats.

A key component of the proposal is the establishment of a trusted Information and Communication Technologies (ICT) supply chain security framework designed to identify and mitigate risks from third-country suppliers, through a harmonized, risk-based approach.

At the core of the package is the renewed European Cybersecurity Certification Framework (ECCF), which enhances certification procedures for ICT products and services. This constitutes an important voluntary tool for businesses to demonstrate compliance with EU legislation.

The amendments to the NIS2 Directive aim to facilitate compliance for approximately 28,700 companies by introducing a new "small mid-cap" enterprise category.

Under the proposed framework, the European Union Agency for Cybersecurity will operate a single-entry point for:

- Incident reporting.
- Issuing early threat alerts, and

- Providing specialized support to companies and stakeholders to recover from cyber-attacks and enhance their vulnerability management.

Tax Notes

Out of Court Tax Disputes Resolution Committee Decision No 5356/2025 (ΔΕΔ 5356/2025) Ruling on the Payment Received By an Employee According to a Non-Compete Clause

18/20

The Out of Court Tax Disputes Resolution Committee of AADE in its Decision no ΔΕΔ 5356/2025, ruled that the non-compete payment made to an employee in exchange for refraining from working with a competitor should be treated as salary income and taxed as such; the beneficial redundancy income/ tax rate scale not applying.

The case examined referred to an employee who against a set fee agreed to a non-compete clause – obligation, for a period of 3 months following termination of his employment relationship. Payment of the non-compete fee was effected following the lapse of the 3-month period and execution of an agreement to this effect.

Thessaloniki Administrative Court of First Instance Decision no 4708/2025 (ΔΠΘ 4708/2025) ruling on the Annulment of a Tax Authorities Payment Order Issued to the Taxpayer's Legal Heirs

19/20

The Thessaloniki Administrative Court of First Instance in its Decision no ΔΠΘ 4708/2025, ruled that a tax authority payment order issued to the legal heirs of the taxpayer, is only valid and enforceable, provided it accurately identifies the heir – obligor and further specifies the heir's participation ratio on the tax debt. A tax payment order stating in general that a heir is liable for payment of the taxpayers debt without specifying the heir's debt participation ratio may not bind the heir.

Council of State Decision no 1731/2025 (ΣτΕ 1731/2025) ruling on the Tax Deductibility of the "Tax Gross Up Amount" In Case of Cross-Border Royalties Payment

20/20



The Council of State in its Decision no ΣτΕ 1731/2025, ruled that the Greek payer enterprise may not treat as income tax deductible the amount corresponding to the tax gross up, in the event of royalties payment, agreed free of Greek withholding income tax.

The Council of State conceived that the amount paid due to the gross up agreed, may not be treated as an additional/ part of the royalties payment obligation, and as such is not tax deductible; the nature of the payment obligation (royalties withholding tax) is not altered by the fact that it is grossed up into the royalties payment.

The contents on the LLF Flash Notes have been prepared for general information purposes only and do not constitute legal advice, legal opinion or professional advice. For specific legal or professional advice on any topic or additional information, please contact:

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