

State Aid 2015

Greece

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National state aid control competent authorities

1 Which authority is responsible for oversight of national state aid, in particular the notification of aid measures to the European Commission and the monitoring of the compliance of national measures with EU state aid rules?

The Greek authority responsible for overseeing national state aid issues is the Central State Aid Unit (CSAU), which constitutes a directorate of the Ministry of Finance and was established under Law 4152/2013 (the Law).

The CSAU is assisted in its tasks by decentralised state aid units (DSAU), which operate as offices within ministries and other bodies dealing with state aid issues. DSAUs are tasked with identifying state aid measures in law schemes and other administrative decisions and approving those that do not require notification to the European Commission, under the guidance of the CSAU. The remainder are forwarded to the CSAU.

Furthermore, in case of a dissent regarding specific state aid cases or in the case of state aids with a particular importance for Greece's economy, a special interministerial committee for state aid is anticipated to be formed, consisting of the Minister of Finance as chairman, the Minister of Foreign Affairs, the Minister of Development, Infrastructure and Transportation and a public servant working for the CSAU, to discuss and resolve such cases.

2 What are the competences and investigatory and enforcement powers of the national authority responsible for state aid control and what is the legal basis for these powers?

The CSAU mainly has a managerial, supervisory and coordinating role between the Greek administrative authorities and the European Commission. Its main competences and powers are:

- the notification of aid measures by Greece to the European Commission;
- the management of the State Aid Notification System (SANI);
- the role of national sole contact point for state aid issues with the European Commission and with other European and international bodies; and
- the monitoring of compliance of national measures with EU state aid rules and additionally the processing of cases under examination by the European Commission. It assists in the forming of responses to several issues set by the European Commission and controls the submission of all such responses.

By virtue of its constituent Law, the CSAU is not competent to liaise with private undertakings (whether a beneficiary or a third party), therefore it has no investigatory or enforcement powers.

3 Do the national authorities accept state aid complaints made by competitors? How would they handle a competitor complaint?

Under Greek law there is no specific legal procedure by which a public authority is tasked with accepting complaints by private individuals on state aid issues. Any such complaint is submitted directly to the European Commission. In the event a complaint is submitted to an administrative authority, the latter has no obligation to answer or take special actions in response. However, under the principle of good administration the authority should inform the complainant that it received the complaint and forward it to a DSAU or to the CSAU, which is required to examine the case and decide whether there is a need to notify the European Commission.

4 Does the national state aid authority regularly cooperate or exchange information with authorities from other member states?

Taking into account the CSAU's recent establishment, no publicised cooperation or exchange of information with authorities from other member states is available.

5 Who represents your country in state aid proceedings before the European Commission?

Greece is represented legally before any national or international body, court or tribunal by its legal service directorate, namely the Legal Council of the Greek State (LCGS).

6 Who represents your country in state aid proceedings before the EU courts?

The LCGS is responsible. Regarding the EU courts, article 2 of Law 3086/2002 explicitly states that the LCGS is the sole competent authority for the handling of cases before EU courts that fall under the responsibility of the Minister of Finance.

7 Is there a national register or other central source of data on national aid measures?

The Law provides for the establishment of a Central Information System of State Aid (CISSA), which will contain every Greek state aid measure approved by the European Commission, in accordance with the De Minimis

Regulation 1998/2006 (L 379/5, 28 December 2006), the Block Exemption Regulation 800/2008 (L 214/3, 9 August 2008) or any other measure approved by the European Commission. When the CISSA is established, it will be monitored by the CSAU and connected to each DSAU.

National substantive and procedural rules

8 Do national provisions regarding the application or enforcement of EU state aid rules exist?

There are no specific provisions regarding the application or enforcement of EU state aid rules with the exception of procedural rules for the recovery of aid following a decision by the European Commission or the Court of Justice of the EU. See question 39.

9 What national laws or other provisions exist that implement EU state aid rules, in particular EU guidelines?

The Greek authorities apply directly the EU guidelines on state aid measures.

10 Do national rules or guidelines exist regarding the application for, and the granting of, state support?

In general, there are no specific national rules or guidelines regarding the application for, and the granting of, state support for any kind of state aid measure. According to established legal doctrine and European jurisprudence, for a state measure to meet the notion of 'aid', within the scope of article 107(1) TFEU, it shall have an effect of granting a selective benefit to the beneficiary, which could take a variety of forms (from direct subsidies to tax exemption measures). Each measure of state support is governed by specific rules and guidelines, depending on the form of the measure.

For example article 47, paragraph 1 of the Law explicitly mentions that regarding state aid measures under the National Strategic Reference Framework (NSRF), each call for proposal defines who the beneficiaries may be, and which are the criteria for submission. These calls for proposals usually have the legal backing of ministerial decisions.

11 How is the concept of 'service of general economic interest' (SGEI) defined on the national level?

The notion of 'service of general economic interest' (SGEI) is not explicitly defined under Greek Law. Article 57 of the Constitution refers to 'public service or a public enterprise or public utility enterprise' pertaining to the incompatible functions of Greek members of parliament without further clarifications.

Article 19, paragraph 2 of Law 1264/1982 also makes use of the terms 'public enterprise' and 'utility enterprise', and describes them as enterprises of vital importance for the satisfaction of basic needs of the people. This paragraph provides a list of entities in various economic areas (water, electricity, telecommunications) that are characterised as public and utility enterprises.

Sporadic references to the term 'service of general economic interest' can be found in several provisions, which provide that specific services constitute SGEI. For example article 3 of Law 4199/2013 provides that rural motor transportation for passengers constitutes SGEI according to the provision of Article 14 TFEU, without further clarification.

Article 3 paragraph 2 indent xviii) of Presidential Decree 33/2007 provides that the Hellenic Natural Gas System Operator S.A. provides several services (such as security and environment protection services) that constitute SGEI.

12 Do any studies on national enforcement of EU state aid rules exist? Describe the main subjects and results of these studies.

We are not aware of any such study.

13 List any other rules or actions at the national level that implement and enforce EU state aid rules.

Not applicable.

Role of national courts

14 Must all national courts apply state aid rules? Or is specific jurisdiction for state aid cases exercised by dedicated national courts?

Article 108(3) TFEU is directly applicable to national law, therefore any Greek court dealing with a case of state aid must apply directly the rules of state aid deriving from said article.

In most cases, the jurisdiction regarding the handling of state aid cases lies with the Greek administrative courts. According to article 1, paragraph 4, point f of Law 1406/1983, the administrative courts have jurisdiction regarding disputes that are created by the issuance of administrative acts, which refer to the award of European or national aid, subsidy and similar benefits, as well as the administrative acts that impose a relevant measure or sanction. State aid cases are introduced before the Greek administrative court of first instance.

However, where the aid is linked to a tax measure of an amount exceeding €150,000 or a contract awarded after a public procurement procedure or a PPP, then the case is introduced to the administrative court of appeals, as court of first instance.

Furthermore, it is not uncommon for a case raising state aid issues to be examined by a civil court, mainly when a competitor seeks compensation from the beneficiary as a result of damages incurred by the granting of aid. (See questions 28 and 30) Accordingly, if aid is granted via a contract between the beneficiary and an administrative body under the provisions of private law, then the civil courts are competent to examine the case.

15 Is there a right to appeal against a national judgment on state aid? What are the grounds and which court hears appeals?

Decisions of the administrative court of first instance are appealed before the administrative courts of appeal where the total amount of the dispute exceeds €5,000.

Everyone is entitled to an appeal in every administrative dispute, regardless of the financial amount of the dispute where: the court of first instance that ruled on the case did not have jurisdiction or lacked competence; the composition of the court was illegal; or the dispute refers to a periodic grant. Courts of appeal carry out a substantial review of cases meaning that there is a thorough re-examination of all factual and legal argumentation examined by the court of first instance.

The decision of the administrative court of appeal can be overturned solely on legal grounds by the Council of State in its capacity as Greece's supreme administrative court.

Similar rules of appeal apply in civil law cases. In particular any defeated party that participated in the procedure before the court of first instance has a right of appeal. The court of appeal may annul the decision of the court of first instance and re-examine all factual and legal argument that was examined by the court of first instance. If the court of appeal finds that the court of first instance was not competent, it refers the case to the competent court.

16 Do national courts traditionally refer questions regarding the interpretation of EU state aid rules to the Court of Justice?

A search in the electronic database of the Court of Justice of the European Union reveals only two cases where a Greek court referred a preliminary question, under article 267 TFEU, concerning the interpretation of state aid rules, namely Case C-690/13 Trapeza Eurobank Ergasias and Case C-355/00

17 Describe recent developments regarding state aid cases before national courts.

With its Decision 895/2014, the Council of State ruled that the provision of article 93(3) ECT (now 108(3) TFEU) protects not only the general community (EU) interest but also personal interests of competitors of the beneficiaries. Additionally it recognised that the violation of a non-notification rule, even if it does not constitute a violation of substance, it can nevertheless have a causal link to the competitor's damage.

18 Can a government measure be challenged in court directly on the grounds of illegal state aid? Is there a preliminary administrative review procedure?

Yes, in the sense of 'unlawful aid', namely a new aid, entering into effect contrary to article 108(3) TFEU. Therefore a party can claim that the notification procedure or standstill obligation was not properly adhered to. The legal procedure before the national court is the one described in question 14 under a claim of suspension of granting of the aid or its recovery, where aid has already been granted. On the other hand, a measure cannot be challenged only on the grounds of an article 107 TFEU violation (see Decision 336/2012 of the Council of State).

Regarding the preliminary administrative review procedure, the general rules of the Code of Administrative Procedure apply also with respect to acts granting an aid measure.

According to these rules, any person with a legitimate interest (legal standing) can seek for a review of the legality of an administrative act by the same body that issued the act or by its superior or supervising body. In specific cases the law explicitly provides that a review is obligatory prior to establishing a right for recourse before the administrative courts.

19 Who has legal standing to challenge government measures in court for alleged illegal state aid?

There is no specific national rule, describing in detail which person or persons have legal standing to challenge government measures in court for alleged illegal state aid. Consequently, the general principle of direct effect of the TFEU and the relevant Regulation rules, applies. Similarly according to point 24 of the Commission Notice on the enforcement of State aid law by national courts (2009/C 85/01), article 108 TFEU directly gives individual rights to affected parties (such as the competitors of the beneficiary).

In order to establish a legitimate interest in illegal state aid cases, the most important aspect to be proven under general administrative law is the direct relation (causal link) between the administrative act or the decision and the damage caused to the plaintiff (beneficiary of the aid or a competitor).

20 May national authorities argue in national court proceedings that a particular measure contains illegal state aid?

Yes. However, under Greek administrative law, the donor of aid cannot claim that the aid it granted was non-compliant with the EU state aid rules. This is in line with the general principle which forbids such actions and disputes for any kind of case before an administrative court, unless a special rule allows it for a specific procedure. An administrative authority that was not the donor

that proves it has a legitimate interest for the declaration of the illegality of the aid measure can argue in court against such measure.

21 Do specific limitation periods apply for any party in a national court procedure invoking illegality under state aid rules?

According to article 66 of the Code of Administrative Court Procedure, a recourse against an administrative measure can be submitted:

- by the recipient of the aid, within 60 days from the day the administrative act containing the measure was served to it and in any case from the date it had full knowledge of the act and its content;
- by any third person, within 60 days after the publication of the administrative act in the official government gazette, when such a publication is necessary or in any other case after the date it has full knowledge of the act and its content.

The appeal against the decision of the administrative court of first instance can be submitted according to article 94 of the Code of Administrative Court Procedure, within 60 days from the date that the decision of the court of first instance was served to the parties.

22 Can a national court proceeding be brought in parallel to an investigation by the European Commission? Under which circumstances will a national court stay proceedings pending a Commission procedure? And what are the consequences for national courts if the European Commission already came to the preliminary conclusion in the opening decision that the measure constitutes state aid?

In principle, nothing prevents any person with a legitimate interest from submitting a claim before a national court regarding the illegality of the issuance of an administrative measure granting a benefit that possibly constitutes state aid, in cases where a preliminary examination procedure or a formal investigation procedure is pending before the European Commission. The general European rules of direct effect of the TFEU and Procedural Regulation provisions apply, as well as the principle of superiority of European law over the laws of the member states.

As a result and pursuant to article 108 TFEU, the European Commission is the only competent body to decide on the compliance of an aid measure with European law. Pursuant to Case C-284/12 – Deutsche Lufthansa AG v Flughafen Frankfurt-Hahn, if a Greek court is dealing with a case regarding a measure concurrently examined by the European Commission but before any decision for the initiation of a formal investigation is issued, it should stay its decision where the measure was notified to the European Commission and the standstill obligation applied. If it has doubts on whether the measure constitutes aid, it may address a relevant question to the European Commission or a preliminary question to the European Court for clarifications and assistance. Alternatively it should order:

- recovery, where a measure has not yet been notified to the European Commission, and the aid has already been granted to the beneficiary;
- the suspension of the granting of the aid to the beneficiary, where a measure was not notified to the European Commission but the aid has not yet been granted; or
- the recovery or the suspension of a measure, where such a measure was notified to the European Commission but the standstill obligation did not apply.

In all of the three scenarios above the trial shall be suspended until the conclusion of the procedure before the European Commission and if the national court has doubts of the nature of the measure it can request a clarification and assistance on a question from the European Commission or address a preliminary question to the Court of Justice of the EU.

If the national court examines a measure that has already been declared by the European Commission as constituting possible state aid, the national court must take this decision into consideration and adjust its ruling accordingly. The national court should suspend the granting of the aid or order its recovery in case the measure raises doubts as to its compatibility with the common market otherwise it should order solely the recovery of interest for the time from which the aid was granted until its notification.

23 What is the burden of proof in state aid cases before national courts?

According to article 145 of the Code of Administrative Court Procedure, each must prove the facts that it invokes and support its arguments unless a law that governs the relation provides differently. The opposite party must then provide counter-evidence. Respectively, according to article 338 of the Civil Procedure Code each party must prove the facts necessary to support its claim. When the law provides that a rebuttable legal presumption applies to a real fact, the party is allowed to counter prove.

24 Can the plaintiff seek interim measures from the courts, in particular to prevent the grant of aid? In what form and under what circumstances is interim relief granted?

Where a plaintiff seeks to prevent the grant of aid, it may, pursuant to article 202 of the Code of Administrative Court Procedure ask for a suspension of the execution of the administrative act through a petition filed with the administrative courts. The suspensory effect of the decision expires with the issuance of the final judgment of the administrative court on the legality of the administrative act granting the state aid. For suspension to be granted, a special judicial committee rules on whether the measure would lead to irreparable damage for the plaintiff or whether the main recourse for the cancellation of the administrative measure is very likely to be accepted. The plaintiff bears the burden of proof regarding the first ground for suspension. In any case the request is denied if the recourse is unfounded or inadmissible (even if the damage is considered to be irreparable).

Further, a specific process has been introduced for the suspension of an administrative act ordering the recovery of aid subsequent to a decision by the European Commission. In case the beneficiary wants to challenge this act, it can additionally ask for a suspension of the recovery, before the issuance of the final court decision. Such a suspension may be granted if:

- apart from the recourse before the national court, a recourse before the competent European Court has also been submitted by the plaintiff, for the annulment of the European Commission's recovery decision. Where such recourse has not been submitted, the national court should send a relevant preliminary question;
- there is serious possibility that the recovery decision by the European Commission is erroneous; and
- the plaintiff claims and proves that the direct execution of the act will cause the plaintiff irreparable damage.

Such suspension cannot be granted, in case it is considered that the negative consequences resulting from the acceptance of the suspension request are more serious than the benefit for the plaintiff.

Finally in an interim measures case, subject to a relevant request by the plaintiff, the chairman of the competent court may issue a judicial order for provisional interim measures until the issuance of the decision of the aforementioned judicial committee.

25 What would the national court decide if it found a non-notified measure to contain state aid?

In principle, the Greek courts must order the full recovery of unlawful state aid from the beneficiary and declare the measure as null and void, according to the Commission Notice on the enforcement of State aid law by national courts, where an aid is granted without prior notification to the European Commission. This obligation derives from the direct effect of article 108(3) TFEU, as has been recognised by Decision 895/2014 of the Council of State.

26 Can a national court order the recovery of non-notified state aid?

Yes, see question 25.

27 What would a national court decide if it found a measure to contain aid, but saw grounds for the compatibility of such aid with the internal market?

The competency of deciding on the compatibility of an aid measure with the internal market lies solely with the European Commission, as clarified by Commission Notice on the enforcement of State aid law by national courts. Consequently, the national court is competent to decide only whether a measure should have been notified to the European Commission and if the standstill obligation should have applied. If the above obligations were violated, the national court should order the recovery or suspension of the granting of the aid. See question 22.

28 Would the national court necessarily declare a guarantee invalid if it secures a loan constituting aid and was granted in breach of article 108(3) TFEU (standstill obligation)? Does it make a difference if the only aid beneficiary is the borrower and not the lender?

Such a case has not been examined so far by a Greek court. However, the LCGS, within its competence to advise administrative authorities, pursuant to the submission of a relevant question, with its Opinion 42/2014, stated that, in case the granting of a guarantee by state bodies for securing a loan violates article 108(3) TFEU and taking into account the direct effect of Treaty articles, this results in the automatic declaration of the loan contract as null and void, under the national rule of articles 174 and 180 of the Civil Code. These articles provide that an agreement that violates the law is invalid and is considered as non-existent. Therefore the declaration of the loan contract as null and void is automatic and there is no need for a national court to recognise and declare its invalidity.

29 Can a competitor of the beneficiary or other affected third parties claim compensation for damages caused by the aid from the authority granting the state aid?

Pursuant to the answer in question 19, a competitor that has the right to ask for the annulment of the decision granting aid to the beneficiary may also ask for compensation if the claim for annulment is accepted and financial damage on his behalf has been recognised. Such right exists even if the competitor has not previously asked for the annulment of the aid measure. The ability to establish a compensation claim is also a result of the direct effect of Treaty and Regulation rules, as confirmed by points 26 and 43-52 of the Commission Notice on the enforcement of State aid law by national courts, and can be applied under the right granted to a plaintiff by virtue of article 105 of the Introductory Law to the Greek Civil Code.

Furthermore, the general procedural rules for awarding compensation are consolidated in articles 71-78 of the Code of Administrative Court Procedure.

30 Does the national law provide for damages actions against the beneficiary?

There is no specific national law providing explicitly for damages actions against the beneficiary of a state aid measure. Any person who considers that it has suffered damages by any action of the beneficiary, which can be directly linked to the aid received, can claim compensation before the civil courts, under the general reparative provisions of article 914 of the Civil Code, and seek unjustified enrichment, under article 904 of the Civil Code.

The same applies for the right of a plaintiff to seek compensation from the administrative authority which granted the aid, in case the latter was granted within the context of civil law rules.

Consequences of violation of state aid rules

31 What are the consequences of a violation of EU state aid rules for the validity and enforceability of the aid measure under national law? Are the consequences the same for unlawful aid that was not notified to the Commission and aid that the Commission has finally regarded as incompatible with the common market?

A claim for violation of EU state aid rules, regarding solely the nature of the measure, its notification or not to the European Commission and the compliance with the standstill obligation can be examined either by an administrative authority (CSAU or DSAU) or by a national court. In such cases the administrative authority or the court shall revoke or cancel the act granting the aid, following the procedures and the rules described in questions 18 and 22 (see also question 25).

32 What are the consequences of a violation of EU state aid rules for the validity of a government regulation or contract containing the aid measure?

See questions 22 and 39.

Enforcement by the European Commission

33 Describe the major state aid investigations opened by the Commission against your country over the past 12 months. State whether these investigations were specific to your country or part of a broader investigation into several member states.

From the beginning of 2014 to the present, the European Commission has only once decided to open a formal investigation procedure against Greece, regarding a compensation fund for the financing of the universal postal service for Hellenic Post (ELTA – SA.35608).

34 Has the Commission suggested appropriate measures concerning existing aid measures in your country over the last 12 months?

According to the European Commission's electronic database, no appropriate measure concerning existing aid measures in Greece have been proposed during the past 12 months.

35 Has the Commission ever opened specific investigations against your country following a sector inquiry?

According to the European Commission's electronic database, the Commission has opened investigations on nine cases regarding sector inquiry (cases

C.21/2009, C.8/2010, SA.31155, SA.32544, SA. 34308, SA.43488, SA. 34823, SA.34825, SA.35608).

36 Has your country ever been subject to an injunction by the Commission to suspend or provisionally recover aid?

According to the European Commission's electronic database, Greece has not so far been subject to an injunction by the Commission to suspend or provisionally recover aid.

37 Has your country ever been subject to an infringement procedure under article 108(2) TFEU?

Yes, there have been two cases of infringement procedures under article 108(2) against Greece, namely:

- Case T-150/12 Greece v Commission, regarding recovery of state aid from cereal producers and unions of agriculture associations;
- Case C-354/10 Commission v Greece, regarding failure to take, within the period prescribed, the measures necessary for recovery of aid referring to a tax-exempt reserve fund.

38 Has the European Commission ever undertaken on-site state aid monitoring visits based on article 22 of Council Regulation (EC) No. 659/1999 (Procedural Regulation)? How were the visits carried out? What measures were taken to assist the officials and experts carrying out the visit?

According to the European Commission's electronic database, the Commission has not to date undertaken in Greece on-site state aid monitoring visits based on article 22 of Council Regulation (EC) No. 659/1999 (Procedural Regulation).

Recovery of state aid

39 Which national authority orders the recovery of state aid following a Commission decision or an enforceable judgment by a national court?

Under article 22 of Law 4002/2011 the national authority competent for seeking the recovery of a state aid pursuant to a relevant decision by the European Commission or the Court of Justice of the EU supervises the activities of the undertaking that received the illegal aid. In practice and under the new procedure established by law this authority is a DSAU as this derives by the combination of the provisions of article 22 of Law 4002/2011 and first article, subparagraphs B.4 and B.10 of Law 4152/2013.

40 What legal or administrative actions are contemplated in the national law for the recovery of unlawful or incompatible state aid?

The competent authority, as described in previous question, sends to the beneficiary (or its legal representative in case of legal entities), a copy of the decision ordering recovery and asks the return of the amount by a specific deadline. The funds should be sent to the competent tax authority to which the legal entity submits its income tax declaration.

The role of the CSAU is important as pursuant to paragraph 1 subparagraph B.10 of Law 4152/2013, it coordinates the actions of recovery and assists the competent authority to identify the beneficiaries, determine the amount of the aid and the interest it should recover.

Additionally, it is not uncommon for the recovery of aid schemes that were characterised as incompatible with the internal market, to take place under a general provision of a law (eg, Article 47 Law 3614/2007 on a tax exemption aid scheme).

41 What actions are available to the national recovering authority seeking to force an unwilling beneficiary to refund the unlawful and incompatible state aid?

In case the beneficiary does not comply with the demand of the competent recovery authority by the deadline, the authority should compile a relevant financial list (which contains the name of the legal person, its tax identification number, the tax identification numbers of all natural persons who are obliged to pay the amount, the actual amount to be recovered, the code number of the amount as a public revenue) and set a new deadline for payment, which can be no longer than the initial one set by the recovery decision. This list is sent to the tax authority, to which the legal person submits its tax declaration.

Further, the tax authority follows the general rules and procedures for the collection of public revenues, consolidated under the Code of Collection of Public Revenues. Article 3 of this code provides that the refund should be made in a lump sum. In article 9 of the Code, a list is included, of the possible actions that can be taken by the administrative authority, in order for it to collect the revenues.

42 Can an action be brought in national courts to challenge the validity of the national recovery order implementing the Commission's recovery decision?

The beneficiary may challenge, before a national administrative court, the act of the national competent recovery authority or of the tax authority but cannot challenge the legal findings of the European Commission regarding the compatibility of the measure with the internal market.

43 Can third parties force national authorities to recover or claim damages from national authorities for failure to implement a recovery decision by the European Commission?

As a third party (a competitor) may file a claim against an aid measure before the administrative courts, the party should be eligible to submit a similar claim before the administrative authority. The process is as follows:

- If the recovery decision has been issued by the European Commission and a relevant act by the competent recovery authority should be issued according to article 22 paragraph 1, point a. Law 4002/2011 (see question 39), the third party should first refer to this competent authority and ask for the issuance of the relevant act. If within three months the competent authority has not taken any action, the third party can regard this as a refusal of the state to act and may submit a relevant recourse before the administration courts (see questions 14, 19 and 21).
- If the recovery is ordered by a decision of the Court of Justice of the EU or a national court and the competent authority does not start the recovery procedures, a third party can regard this as a refusal of the state to act and may submit a relevant recourse before the administration courts, without any further obligations under the provision of articles 260(1) TFEU, 95 paragraph 5 of the Greek Constitution and 198 paragraph 1 of the Code of Administrative Court Procedure.

In both cases the third party can also submit a claim to the administrative courts for compensation by the state for damages, caused by the failure to comply with the recovery decision.

44 What defences by beneficiaries against recovery have been accepted by national authorities or courts?

We are not aware of any case to date of a Greek authority or court decision that has accepted a defence of a beneficiary against a recovery decision.

45 What is the situation under national law if recovery was ordered by a national court owing to the violation of the standstill obligation but the aid is later declared compatible with the common market by the European Commission?

In this case, the beneficiary should submit a claim before the authority granting the aid, asking for its refund.

In case the authority refuses the refund, even though the European Commission has declared the measure as compatible with the common market, the beneficiary can submit a new recourse before the administrative court, asking for the annulment of the refusal decision of the administrative authority, according to the process described in question 43.

Main areas of state aid

46 Which sectors have received the highest amounts of aid in the past five years?

Between May 2010 and May 2015, 129 cases of state aid were examined by the European Commission, according to information contained in its database. From these:

- 31 related to the financial and insurance activities sector;
- 25 related to the energy sector;
- 15 related to the transportation sector; and
- 14 related to the agriculture sector.

47 Provide information on amounts of state aid paid out under approved state aid schemes and individually approved state aid for the past five years.

Such information has not yet been gathered and published by any Greek administrative authority. It is within the competence of CISSA (see question 7), which has not been established yet, to gather such data and information.

Other

48 Provide information on any other special features of your country's state aid regime not covered above.

Not applicable.

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KG is one of Greece’s top competition law practices, having experience and expertise in the full range of EU and Greek competition law issues, such as: cartels; anti-competitive vertical conduct; abuse of market power; merger clearances; joint ventures; state aid and public procurement matters and privatization schemes; competition litigation; competition authority market investigations and sectoral enquiries; distribution and agency agreements; consumer protection issues, including misleading and deceptive conduct; devising and managing competition law compliance programs and training; our practice expertise has developed over the decades having advised market leaders in key industry sectors, including electricity, petrochemicals, telecommunications, manufacturing and distribution, food and beverages, consumer goods, steel, construction, electronics, retail, automobile, pharmaceutical, media and tobacco.

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Anastasia Dritsa heads the firm’s competition practice since the firm’s establishment in 1999. Her main areas of practice are EU and Greek competition law and corporate/commercial law. Over the past 20 years she has represented clients in Greece in many leading cases involving cartels, abuse of sole and collective dominance, horizontal and vertical agreements (joint ventures, agency and distribution networks, supply contracts and licensing), private antitrust litigation before the Greek administrative courts and the State’s Council and Greek and EU merger control. She has also provided extensive antitrust compliance advice and sectoral inquiry related expert counselling. The corporations she acts for are active across a wide range of industry sectors including petrochemicals, tobacco, telecommunications, energy, automobile, construction and real estate, food and beverages, consumer goods and retail sales. She is currently advising on state aid and public procurement matters and has offered strategic advice on recent privatisation projects of the Hellenic State.

Anastasia frequently organises seminars for corporate executives on Greek and EU competition law and contributes articles on her areas of expertise to national and EU publications.

She is a member of the Athens Bar Association and a holder of an LLB from Democritus University, Greece, an LLM in International Business Legal Studies from Exeter University, and a PG Diploma in EU Competition law from King’s College London, UK.

Anastasia speaks English, Greek and French.

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Konstantinos Sakellaris recently joined the Competition practice of the firm. Before joining KG he was an external advisor to the Hellenic Public Procurement Monitoring Unit, providing Greek contracting authorities with legal advisory support in all phases of awarding public works and technical (works-related) services contracts falling within the scope of EU law on public procurement. Prior to this he was part of the Contract and Procurement Team of the European Central Bank.

His areas of expertise include state aid and public procurement law as well as EU and Greek competition law, and he has advised on cases of state aid, public procurement, abuse of dominance, merger control, horizontal and vertical agreements in the energy, environment, transportation, medical industry and retail sectors.

Konstantinos is also experienced in public law litigation and counseling and frequently represents clients before the competent administrative bodies, tribunals and courts.

Konstantinos Sakellaris is a member of the Thessaloniki Bar Association. He received his LLB from Aristotle University of Thessaloniki, Law Faculty and then went on to receive his LLM in public law again from Aristotle University of Thessaloniki, Greece. He also holds an LLM in European economic and business law, Europa Institut, from the University of Saarland.

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