



**MEMORANDUM OF UNDERSTANDING**

**IN THE FIELD OF**

**COMPETITION LAW ENFORCEMENT AND POLICY**

**BETWEEN**

**THE HELLENIC COMPETITION COMMISSION**

**AND**

**THE COMPETITION COMMISSION OF SOUTH AFRICA**

The Hellenic Competition Commission and the Competition Commission of South Africa (hereinafter collectively referred to as “the Parties” or individually as “Party”)),

Expressing the wish to develop closer cooperation in the field of competition policy and competition law enforcement between the Parties,

Recognising the need for broader engagement between competition authorities internationally due to the nature of the challenges they face,

Underlining the role of competition in the effective and sustainable development of the Parties’ respective economies,

Have reached the following understanding :

#### **Article I. PURPOSE AND DEFINITIONS**

1. The purpose of the present Memorandum of Understanding (“the Memorandum”) is to facilitate and strengthen cooperation between the Parties in the field of competition law enforcement and competition policy, based on the principles of equality and mutual benefit.
2. In this Memorandum, these terms will have the following definitions:
  - a) The terms “competition law” or “competition rules” mean:
    - i. for the Hellenic Competition Commission, Law N 3959/2011 “On Protection of Free Competition”, as well as any amendments thereto and regulations made under it;
    - ii. for the Competition Commission of South Africa, the Competition Act No. 89 of 1998 (as amended).
  - b) The term “enforcement activity(ies)” means any investigation or proceeding conducted by each of the Parties in relation to the competition laws they enforce.
3. The terms defined above are to be understood in accordance with the Parties’ respective mandate and legal framework of operation, including under international and/or European Union law where relevant.
4. In applying the present Memorandum, the Hellenic Competition Commission will take account of the commitments arising from the Hellenic Republic’s membership of the European Union.

## **Article II. AREAS OF COOPERATION**

1. In the mutual interest of the Parties, cooperation maybe materialised in the following areas, subject to reasonably available resources:
  - a) legislative and policy developments in competition law in each Party's respective jurisdiction;
  - b) cooperating in respect of policy developments relating to international fora in the field of competition law and enforcement, including the International Competition Network ("ICN"), the Organisation for Economic Co-operation and Development ("OECD") and the United Nations Conference on Trade and Development ("UNCTAD");
  - c) collaborating in respect of competition law enforcement;
  - d) collaborating in respect of competition advocacy, including the promotion of a competition culture through raising awareness of competition law amongst all relevant stakeholders;
  - e) assistance in preparing proposals and drafting legislature and guidelines in the field of competition law and policy;
  - f) collaborating on competition law technical skills capacity building through establishing training programs, conferences/workshops, conducting study visits and experts' training; and
  - g) participation in conferences, seminars and other events organized by the Parties.

## **Article III. FORMS OF COOPERATION**

1. The Parties may periodically hold, at the request of either Party, meetings or consultations between designated Party officials to facilitate cooperation within the areas outlined in Article II.
2. Cooperation between the Parties may take the following forms:
  - a) exchange of non-confidential information regarding competition policy and enforcement developments;

- b) expert meetings or consultations, including via e-mail, telephone or online communication platforms, between experts of the Parties regarding exchange of non-confidential information on issues of mutual interest;
- c) organisation of study visits and experts' training programs, including experts preparing enforcement developments;
- d) high-level meetings and/or visits for the purposes of discussing the Parties' cooperation and joint activities as well as reviewing the prospects of the overall partnership;
- e) joint organisation of and/or participation in international conferences, seminars, workshops, symposia or other events;
- f) joint participation in research or policy projects, including in collaboration with academic institutions or policy institutes or other organisations;
- g) joint production or commissioning of non-confidential documents in the field of competition law and policy, such as policy papers, briefs or technical reports;
- h) exchange of non-confidential documents in the field of competition law and policy, such as regular publications by the Parties, including annual reports, studies, books, journals and information bulletins; and
- i) joint meetings to discuss non-confidential information and the exchange of non-confidential information in respect of the enforcement of the same or related cases, subject to reasonably available resources, so long as such efforts are compatible with applicable legislation and interests of the Parties.

#### **Article IV. COMMUNICATION**

1. The transmission of information will be made in English through the designated contact channels outlined below or during meetings attended by the representatives of the Parties.
2. Each Party will designate a contact point to which the information necessary for the effective execution of the present Memorandum will be communicated.

The Hellenic Competition Commission

Contact point: Directorate of International Relations and Communications

Address: Kotsika 1A, Athens 104 34, Attica, Greece

Tel: +30 210 8809143, -221

Email: [international@epant.gr](mailto:international@epant.gr)

Competition Commission of South Africa

Contact point: Office of the Commissioner, Competition Commission South Africa

Address: 77 Meintjies street, Sunnyside, Pretoria

Tel: +27 12 394 3200

Email: [ccsa@compcom.co.za](mailto:ccsa@compcom.co.za) / [internationalrelations@compcom.co.za](mailto:internationalrelations@compcom.co.za)

**Article V. CONFIDENTIAL INFORMATION**

1. No Party will be obliged to provide or communicate information to the other Party if the provision/communication of such information is prohibited by law.
2. The Parties will not publish, transmit or disclose to third parties, information accessed through joint activities for the implementation of this Memorandum, unless stated otherwise in agreements reached separately by the Parties.
3. The parties will notify each other in writing of any unauthorized misappropriation, disclosure or use by any person of the confidential information and shall take all steps reasonably requested to limit and stop such disclosure.

**Article VI. ORGANISATION OF ACTIVITIES**

1. The agenda, place and other elements of activities contemplated in pursuit of the Memorandum shall be determined by mutual agreement between the Parties.
2. Each Party will bear its own expenses with regard to the implementation of this Memorandum, unless otherwise agreed by the parties.

**Article VII. DISPUTE RESOLUTION**

Disputes regarding the scope, interpretation and application of the present Memorandum, if any, shall be resolved amicably through consultations and negotiations between the Parties.

**Article VIII. REVIEW AND AMENDMENTS**

Any review or amendment to the Memorandum shall be made in writing, subject to mutual agreement by Parties. Any such amendment or review, shall be executed as an addendum to this Memorandum which enters into force on the date of its signature by both Parties.

**Article IX. FINAL PROVISIONS**


1. The Memorandum is concluded with a view to enhancing and developing cooperation between the Parties and does not constitute a legally binding agreement between the Parties.


2. The Memorandum does not oblige the Parties to commit resources in terms of finances, time, staff or other administrative resources.
3. The Memorandum enters into force upon signature and shall remain in effect indefinitely.
4. The Memorandum will expire three months from the date of receipt by either Party of a written notification to the other Party stating its intention to terminate it.

Signed on 29.6.2022, 2022 in duplicate, in the English language, both texts being equally authentic.

For the Hellenic Competition Commission

For the Competition Commission of South Africa

  
Ioannis Lianos  
President

  
Tembinkosi Bonakele  
Commissioner