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The Hellenic Competition Authority
refused the complaint for an alleged
abuse of dominance in the mobile
telecommunications and debit card
sectors (OTE Payzy)

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Reference: Hellenic Competition Authority, OTE Payzy, Order No. 1/2026, decision, 30 January 2026 (Greek)

What information should I mention?

I. Factual Background

On 30.01.2026, the Hellenic Competition Commission (HCC) rejected a complaint raised by a consumer against the OTE (Hellenic Telecommunications Organization) Group. It is noted that prior to the liberalisation of the telecommunications market, OTE had been the monopoly market player in the telecommunication sector in Greece.

The complaint focused on OTE's promotional activities in the mobile service sector, and in particular to the rewards/bonuses offered by OTE to its users when they use the Payzy card – which is offered by its subsidiary COSMOTE Payments – to complete their electronic payments to OTE. The rewards/bonuses mainly consisted of double free voice minutes or double free data. According to the complainant, such practice was in breach of article 102 TFEU (and its equivalent national rule – art. 2 of law 3959/2011) as an abuse of dominant position.

II. Relevant markets

HCC identified two relevant markets; the retail mobile telecommunications services market and the market for the issuance of debit cards; both national in scope.

II.1. Retail mobile telecommunications services. HCC identified that the retail mobile telecommunications services constitute a single market without further distinctions, on the basis of the European Commission merger practice, as well

as the respective merger practice of the Hellenic Telecommunications and Post Commission (EETT). Therefore, the market is not further divided *inter alia* on the basis of (a) the type of service provided (voice calls, SMS, mobile data), (b) the profile of end-users (residential vs. business users) and (c) the different distribution channels.¹

II.2. Market for the issuance of debit cards. The market for the issuance of cards is divided into three categories; i.e. the issuance of credit cards (which functions as a consumer loan, the issuance of debit cards (which functions as an alternative to the use of banknotes) and the issuance of prepaid cards. The HCC concluded that a further distinction between virtual and physical cards is not justified, as the two are fully substitutable and are issued under identical terms.

II.3. Dominant position in the retail mobile telecommunications market. According to EETT's studies, OTE's market share has reached 45% during the last decade with its main competitors Vodafone and Nova having a market share of approximately 35% and 20% respectively. When it comes to active connections (i.e. connections having generated revenue within the last three months) OTE's position is further enhanced. HCC referred (a) to Council of State Judgment no. 1410/2022 according to which in cases of mixed bundling even market shares lower than 50% may establish dominance because the effects across different markets function as barriers to entry and (b) to the enhanced position of OTE in the active connections. However, it concluded that dominance was not established.

II.4. Competent authorities. Under Greek law, HCC is in principle competent for enforcing competition law across all markets. A notable exception is the telecommunications-related markets; EETT is responsible for applying competition law in such

1. The other distinction criteria rejected are summarised in point 13 and ref. 20 of the Order.

markets. In the commented case, both authorities were competent; HCC as to the market for issuance of debit cards and EETT as to the retail mobile telecommunications services market. HCC found that the competence of the authorities is concurrent rather than joint, i.e. either authority may handle the case independently, and the authorities are not required to act together, since both authorities apply the same legislation and have the same scope of powers. In the lack of specific legislative provision, the legal basis for this interpretation was the principle of effectiveness provided in administrative legislation. In my opinion, HCC's reasoning is further corroborated by the principle of effectiveness as an interpretative principle of *competition* law itself.

III. Abuse of dominance

HCC found that the promotional activities do not cause anti-competitive consequences in the market. It is worth noting that HCC extensively referred to the Draft Guidelines on the application of Article 102 of the Treaty on the Functioning of the European Union to abusive exclusionary conduct by dominant undertakings.

III.1. Mixed bundling. According to HCC, mixed bundling is prohibited when three cumulative conditions are met: (a) the two products (tying and tied) are different; (b) there is (direct or indirect) coercion; and (c) anti-competitive consequences are caused either in the tying market (through exclusion from the tied market) or in the tied market. In the commented case, the two services were different, and the double rewards/bonuses constitute indirect coercive measures for the purchase of both services. However, HCC found that no anti-competitive harm is caused taken into account that:

- OTE group is a relatively new player in the debit card issuance market;
- the practice only applies to existing COSMOTE telecommunication services users;
- the practice is not of strategic importance; even if all COSMOTE users paid through Payzy, COSMOTE PAYMENT market share in the debit card issuance market would not exceed 1%;
- the use of Payzy does not exclude the use of other debit cards for other payments; and

- it is common for debit cards issuers to offer rewards for the use of the cards.

Therefore, no anti-competitive effects were caused in the market for debit card issuance. All the more, no anti-competitive effects linked to the market for debit card issuance are produced in the retail mobile telecommunications services market.

III.2. Discriminatory treatment. HCC distinguished between first and second degree discriminatory treatment. As to the first-degree discriminatory treatment, i.e. discriminatory treatment against competitors, it was found that it simply constitutes an alternative legal basis for the practice treated as mixed bundling. In other words, in the lack of anti-competitive effects, no discrimination against competitors arises.

As to the second-degree discrimination, i.e. discrimination against non-competitors, HCC noted that in principle such discrimination falls under the scope of competition law when it produces effects towards undertakings instead of consumers. Therefore, in this case the different treatment between OTE users paying through Payzy and other OTE users does not constitute a violation of antitrust legislation. HCC went on to explain the differences of the case with the cases of 1998 *FIFA World Cup* and *Deutsche Post*. In 1998 *FIFA World Cup* case the discrimination was based on geographic criteria therefore it led to market partition; in *Deutsche Post*, the discriminatory practice was made by a legal monopoly, therefore the consumers had no alternative (e.g. switch to a different services provider).

IV. Key take-aways

IV.1. Order key points. HCC ruled that:

- it was competent to handle the case;
- OTE does not appear to have a dominant position;
- OTE is not engaged in mixed bundling as there are not anti-competitive effects in either relevant market; all the more, the bonuses/rewards for using the debit card issued by the affiliate company does not constitute first-degree discrimination;
- OTE is not engaged in second-degree discrimination, as it does not discriminate against undertakings, but against consumers on the basis

of the payment tools used by them.

IV. 2. Author's key points. In my opinion, one shall note that:

- different distribution channels do not constitute different markets in the retail mobile telecommunications services;
- the terms of granting a virtual vs a physical card are taken into account to assess whether the products are substitutable;
- the principle of effectiveness has a pivotal role for covering any procedural gaps in law;
- the Order achieves a fair review and assessment of the actual consequences of the practice and does not follow a punctilious approach; in that regard, HCC assessed whether the practice at issue was of strategic significance, as well as whether it structurally affects the market and whether consumers have any alternatives.

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