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The Hellenic Competition Authority
fines 2 pet food wholesalers €387K
and €95K for resale price maintenance
(*KOMPA / HAPPY DOG*)

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Reference: Hellenic Competition Authority, *KOMPA / HAPPY DOG*, Case No. 901/2026, Decision, published 9 April 2026, decided 2 March 2026 (Greek)

I. Introduction

I.1. Synopsis. By its decision No. 901/2026, the Hellenic Competition Commission (HCC) imposed sanctions on two pet food wholesale companies, KOMPA and HAPPY DOG, for resale price maintenance (RPM) practices.

I.2. The relevant market. The practices at issue constitute a restriction by object under Article 101 TFEU (as well as Article 1 of Greek Competition Act 3959/2011)¹; consequently, precisely defining the relevant market was not necessary. In any case, HCC concluded that the practices took place in the market of pet food (for dogs and cats) and presented the criteria according to which the relevant market could be further subdivided this:

- the animal species;
- whether the food products are wet or dry;
- whether the products are branded or private-labelled; and
- distribution channels [groceries/supermarkets, specialized stores (e.g., pet shops), veterinary clinics, breeding facilities, agricultural supply stores, etc.).

II. The practices

I.1. RPM. KOMPA communicated a “recommended” (in name only) resale price list to its clients and exerted pressure on its them in the event that they adopted lower prices (in the company’s terminology, “price breaking”). More specifically:

- KOMPA executives regularly conducted price monitoring both in retail stores and on a price comparison platform;
- retaliatory measures for non-compliance with the recommendations were frequently mentioned in

communication with the clients; these measures included (a) commitments; (b) interruptions; (c) suspensions; (d) order blocking; and (e) even the termination of cooperation.

The enforcement of resale prices was implemented in practice. The evidence presented to establish this implementation consisted of

(a) internal emails verifying distributor compliance with recommended prices on specific dates (several messages indicated that updating prices on an electronic platform required additional days); and

(b) emails sent by distributors either to confirm their compliance or to report that other distributors were not respecting the recommended prices (the latter emails were accompanied by excel sheets and/or screenshots).

II.2. Setting a maximum discount rate. HAPPY DOG applied a system of price monitoring and enforcement of “recommended” (in reality, imposed) prices similar to the one applied by KOMPA. More specifically, HAPPY DOG communicated price lists to distributors containing the wholesale price, the retail price, the maximum “recommended” discount rate, as well as the recommended minimum price following the application of this discount. That is to say, the determination of resale prices was carried out through the setting of a discount cap. Furthermore, it should be noted that the threats of retaliation by HAPPY DOG consisted of withholding deliveries of goods.

II.3. The effect on trade between Member States. The decision is interesting from a doctrinal perspective in that it explains when trade within the Union is affected. Both companies, KOMPA and HAPPY DOG, have an annual turnover below EUR 40 million and a market share below 5%. According to the Guidelines on the effect on trade concept (para. 52), this means that, in principle, there is no effect on trade within the Union.

1. Consequently, the practices are not exempted under the Block Exemption Regulations applicable to vertical agreements 330/2010 (for practices that took place up to 31.05.2022) and 2022/720 (for practices implemented from 01.06.2022 onwards).

However, in the present case, the HCC considered that trade was so affected because:

- (a) the practices cover the entire national market;
- (b) the products on which resale prices were imposed are the subject of cross-border transactions;
- (c) there are no barriers to entry (for multinational companies); and
- (d) RPM constitutes a restriction by object.

In my view, these criteria used by HCC demonstrate that all critical aspects of the case present a cross-border element; with reference to by object criterion, it merely indicates that it is not necessary to analyse the effects of the practice in detail. Consequently, the conclusion that trade is affected and Article 101 TFEU applies is well reasoned.

III. The fines

III.1. Voluntary cessation. HAPPY DOG had ceased the anticompetitive practice itself prior to the authority's investigation; in particular, it had communicated to its distributors that they had sole discretion to determine their prices without HAPPY DOG's intervention. HCC explained that this communication was taken into account in determining the duration of the infringement.

In this case, the last email demanding distributor compliance with the "recommended" prices was sent on 07.02.2023, and the email referring to the distributors' sole discretion was sent on 15.02.2023. HCC considered that the infringement had lasted until 07.02.2023.

In my view, taking voluntary cessation into account at the level of the duration of the infringement is appropriate; however, it calls into question the effectiveness of the general HCC practice of finding that an infringement ceases on the date the most recent piece of evidence has been produced. This

decreases the incentive of the undertakings to formally terminate the anticompetitive practice.

III.2. Calculation of the months of infringement.

The infringement by HAPPY DOG began on 19.10.2020 and ceased on 07.02.2023. Consequently, to determine its turnover for the year 2020 (in order to calculate the basic fine), HCC multiplied such turnover by 3/12. Similarly, for the year 2023, the turnover was multiplied by 2/12. This demonstrates that, even though the infringements occurred only partially in October 2020 and February 2023, the fine is calculated for the entirety of the corresponding months.

III.3. Settlement procedure. The procedure applicable to this case was the same as for the vast majority of resale price maintenance cases: the settlement procedure. In Greece, entering into the settlement procedure results in a 15% reduction in fines; therefore, KOMPA was fined €387,498 and HAPPY DOG €95,000.25.

Conclusions

The most important key takeaways of the decision are:

- "recommended" resale prices are in reality fixed when accompanied by a price-monitoring system, price enforcement mechanisms, and retaliatory measures;
- regardless of turnover and market share, an anticompetitive practice affects trade between Member States when other cross-border elements exist (coverage of the entire national market, imported products, lack of barriers to entry) especially when the anti-competitive practice restricts competition by object; and
- voluntary cessation of the anticompetitive practice is taken into account in calculating the duration of the infringement; despite potential effectiveness concerns, this mechanism is duly justified.

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