

## **SCHEDULES**

### **SCHEDULE I**

(Sections 44 and 70)

#### **INFORMATION TO BE INCLUDED IN A COMPLAINT FILED PURSUANT TO SECTION 44 OF THE PROTECTION OF COMPETITION LAW ('THE LAW')**

##### **I. Information relating to the person filing the complaint and the undertaking or association of undertakings against which the complaint is directed.**

1. Provide full details of the identity of the person filing the complaint (name or trading name, title and correspondence address or registered office of undertaking). Where the person filing the complaint is an undertaking, specify the group of undertakings it belongs to and give a summary description of the nature and scope of its business activities. Furthermore, declare an individual/ liaison officer (contact person) or authorised advocate (telephone number, fax number, postal and electronic address) who can provide further information, if requested.

2. Provide full details of the identity of the undertaking or association of undertakings against which the complaint is directed (name, title and address of the registered office of the undertaking). Note, if necessary, all available information about the group of undertakings to which it belongs as well as the nature and scope of its activities.

3. Declare the position of the person filing the complaint vis-à-vis the undertaking or association of undertakings involved, or the relation between such person and the undertaking or association of undertakings. (eg. customer/consumer, supplier, competitor).

##### **II. Details of the alleged infringement and evidence**

4. A full description of the facts establishing, in the opinion of the person filing the complaint, an infringement of the provisions of sections 3 and/or 6 and of Article 101 TFEU and/or Article 102 TFEU should be made. In particular, associate the facts to the corresponding provisions of sections 3 and/or 6 and/or Articles 101 TFEU and/or 102 TFEU.

i. General information as to the type of goods affected by the alleged infringements

5. Mention the type of goods (products or services) affected by the alleged infringements.

6. Record the way the market of the goods affected by the alleged infringements operates, the undertakings or associations of undertakings carrying out business at all commercial levels (e.g. production, supply, wholesale or retail sales) and provide explanations concerning their trading relations.

ii. Details concerning the practices complained against

7. Provide all available information relating to the agreements complained against or practices of undertakings or associations of undertakings against which the complaint is directed. Describe with as much detail as possible the position and trading pattern of the undertakings or associations of undertakings against which the complaint is directed.

8. Submit all documents that are in the possession of the person making the complaint which concern or are directly linked to the Maintaining Registers facts set out in the complaint (e.g. texts of agreements, minutes of negotiations or meetings, transactions terms, professional documents, circulars, correspondence, notes of telephone calls).

9. State the name and contact address of the persons who are able to testify about the actual facts set out in the complaint and in particular of the persons affected by the alleged infringements. Submit statistical data, market surveys or other data, which may be in the possession of the person submitting the complaint and which refer to the real facts set out, especially in as far as they demonstrate the developments in the relevant market (e.g. price data, price trends, entry barriers for new businesses entering the market, any incidents of undertakings entering or exiting the market).

10. Record the views of the person filing the complaint concerning the geographical extent of the alleged infringements and, where an infringement of Article 101 TFEU and/or Article 102 TFEU is invoked, seek explanations on the

extent to which trade among Member States might be affected as a result of the behaviour complained against.<sup>1</sup>

### **III. Legitimate interest**

11. Explanations should be given by the person filing the complaint relating to how he has suffered or there is a serious or possible risk that he will suffer considerable financial harm, or that such person is placed or there is a serious or possible risk that such person shall be placed at a competitive disadvantage, as a direct result of the infringement.

### **IV. Proceedings before the European Commission or national Courts or Competition Authorities or Bodies (Institutions) of the Republic**

12. Mention whether the person filing the complaint has referred, for the same or a relevant matter, to the European Commission, a Competition Authority and/or has sought remedy before the Courts or has filed accusations/complaints relating to the subject of the complaint to Bodies of the Republic. In such an event, give a full report of the proceedings pending before the European Commission or Court or Competition Authority or Bodies of the Republic, handling the matter and of the data submitted to them.

### **V. Legalisation /Authorisation documents**

13. Provide legalisation/authorisation documents of legal advisors or authorised representatives (as per Schedule II), representing the person filing the complaint in this procedure.

14. Submit a solemn declaration verifying that all the information contained in the complaint form, as well as the documents attached to it are true and correspond fully and accurately to the real facts.

Date

Signature

Seal

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<sup>1</sup>Refer to European Commission Notice (2004/C 101/07): Guidelines on the effect on trade concept contained in Articles 81 and 82 of the Treaty.

Directions for filing a complaint, pursuant to the provisions of section 44 of the Protection of Competition Law.

## **1. Purpose of this Schedule**

This Schedule specifies the information to be submitted to the Commission, according to section 44 of the Law for infringement of sections 3 and/or 6 of the Law and of Article 101 TFEU and/or Article 102 TFEU, for the purpose of exercising its powers under the Law.

## **2. Filing a Complaint**

2.1 The complaint is drafted according to this Schedule in one of the official languages of the Republic and is signed by the person filing it or an authorised representative of such person. In the event of the complaint being filed by a legal person then it shall bear the official seal of such person.

2.2 The complaint includes information according to this Schedule that is submitted along with accompanying documents to the Commission in one (1) copy. The person filing the complaint must provide information relating to:

- the said person's identity and business operation, as the case may be,

- the identity and business operation of the persons against whom the complaint is directed,

- the real facts which, in such person's opinion, constitute an infringement of the provisions of sections 3 and/or 6 of the Law and of Article 101 TFEU and/or Article 102 TFEU, which should be described by such person giving every possible detail.

- evidence that is available, which such person must also submit in as much detail as possible,

- the products or services (goods) related to the real incidents of the complaint and the alleged infringements, as well as the conditions of competition relating to them,

- the undertakings or associations of undertakings operating at all commercial levels (e.g. production, supply, wholesale or

retail sales) of the products and services (goods) and to provide explanations regarding the trading relations between them,

- the geographical extent of the behaviour complained against,

-previous or pending procedures before the European Commission or Courts or Competition Authorities of an EU Member State or Bodies of the Republic on the same matter.

2.3. The complaint may be submitted by delivery: (a) by hand at the offices of the Commission or (b) by courier or (c) by registered post, accompanied by a proof of delivery.

2.4. In addition, delivery should be made via email to the address "chairman@competition.gov.cy" with a complaint attached and signed in 'PDF' form or in any other convenient manner as may be determined by the Commission.

2.5. The complaint fully completed, along with accompanying documents shall be submitted in digital form which may be processed as well as in a form that cannot be edited.

### **3. Business secrets or confidential information**

Sections 40, 41 and 42 of the Law, as these are in force and are implemented, provide for the protection and handling of business secrets or confidential information.

Where the person filing the complaint considers that some of the data or information contained in the complaint or in the accompanying documents consist of business secrets or confidential information which, if published or communicated in any way to third parties, may substantially harm the person's interests, such person may submit to the Commission a reasoned request for the information to be treated as confidential. The said request must be fully justified and set out clearly and precisely the reasons for handling every such item as business secrets or confidential information. A separate non confidential version of the complaint and of the accompanying documents should be filed at the same time, containing an essential summary description of every deleted part in non-confidential form.

Documents containing business secrets or confidential information must be labelled 'Not Accessible-B.S.' or 'Not Accessible-C.I.'.

Information, documents and parts of the documents in respect of which no justified declaration classifying them as business secrets and/or confidential information has been submitted, or in respect of which no separate non confidential version has been submitted, shall not be considered as business secrets or confidential information.

#### **4. Protection of Personal Data**

(4) The Commission, according to subsection (4) of section 26, in exercising its duties, powers and responsibilities pursuant to this Law, in implementing the provisions of this Law and/or Article 101 TFEU and/or Article 102 TFEU and/or the provisions of Regulation (EC) No 1/2003 or in controlling concentrations of undertakings, collects, processes and stores, in accordance with the provisions of Regulation (EU) 2016/679, personal data which is acquired or received from natural or legal persons, private and public bodies, the European Commission, the Competition Authorities, public and anonymous sources.

Such data includes, inter alia, the person's ID, contact details [(email) address, telephone and fax at work and any occasional private contact details], professional data and data concerning or provided in relation to the subject matter of the investigation or procedure, the position and duties of the natural person in an undertaking (e.g. general manager, marketing manager etc.) and possibly the statements and records of individuals, or which are attributed to individuals.

For the purposes of safeguarding the protection of personal data, the person filing the complaint is obliged, upon submitting the same, to provide the Commission with a separate copy of his/her complaint and its attachments, clearly identifying the data falling within the definition of personal data.

SCHEDULE II  
[(Sections 18, 19, 36(6) and 44(3))]  
**AUTHORISATION SUBMITTED**  
**PURSUANT TO SECTIONS 18, 19, 36(6) AND 44(3)**  
**[PLACE, DD/MM/XXXX]**

**To:**

The Commission for the Protection of Competition

Postal Address

**E-mail address: CHAIRMAN@COMPETITION.GOV.CY**

**Subject: Authorisation - [NUMBER AND TITLE OF THE CASE WHERE APPLICABLE]**

[NAME OF NATURAL PERSON or NAME OF LEGAL PERSON + FULL ADDRESS],[including all subsidiaries and affiliated companies<sup>1</sup>] [especially those mentioned in the catalogue attached], duly represented by [PERSON AUTHORISED] appoints [NAME OF REPRESENTATIVES], [FULL ADDRESS] or [LAW OFFICE], [FULL ADDRESS OF LAW OFFICE] to represent him/her in the proceedings before the Commission for the Protection of Competition (hereinafter called 'the Commission') pursuant to the provisions of the *Protection of Competition Law of 2021* and of Articles [101 and/or 102] of the Treaty on the Functioning of the European Union in case .....[NUMBER AND TITLE OF THE CASE WHERE APPLICABLE] (hereinafter called 'the procedure').

Authorised representatives may proceed on behalf of and in his/her name, to take all necessary actions relating to the procedure, including the statement, the collection of documents, the applications for the provision of information and his/her representation in the meetings of the Commission. Authorised representatives may also receive, on his/her behalf and in his/her name, communication of decisions and official acts issued by the Commission.

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<sup>1</sup> The power of attorney may be submitted by an undertaking of the group in the name of all the subsidiaries involved and affiliated companies, provided all subsidiaries and affiliated companies involved declare in writing to the Commission that they expressly authorise the said undertaking to grant such power of attorney.

Signature,

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[NAME AND CAPACITY OF THE AUTHORISED NATURAL or LEGAL  
PERSON] duly authorised to sign on behalf of, [NAME]