



**Internal  
Competition  
Network**

**ANTI-CARTEL  
ENFORCEMENT  
TEMPLATE**

**CARTELS WORKING GROUP  
Subgroup 2: Enforcement Techniques**

**Cyprus**

**27/3/2023**

# ICN ANTI-CARTEL ENFORCEMENT TEMPLATE

## IMPORTANT NOTES:

This template is intended to provide information for the ICN member competition agencies about each other's legislation concerning anti-competitive practices, particularly hardcore cartels. At the same time the template supplies information for businesses participating in cartel activities about the rules applicable to them; moreover, it enables businesses and individuals which suffer from cartel activity to get information about the possibilities of enforcement of their rights in private law in one or more jurisdictions.

Reading the template is not a substitute for consulting the referenced statutes and regulations. This template should be a starting point only.

[Please include, where applicable, any references to relevant statutory provisions, regulations or policies as well as references to publicly accessible sources, if any.]<sup>1</sup>

## 1. Information on the law relating to cartels

<b>A. Law(s) covering cartels:</b> [availability (homepage address) and indication of the languages in which these materials are available]	The Protection of Competition Law of 2022 (Law no. 13(I)/2022), as amended by Law no. 169/2022. Homepage address: <a href="http://www.competition.gov.cy">www.competition.gov.cy</a>  Languages:  Greek: <a href="http://www.competition.gov.cy/competition/competition.nsf/All/F5738C6E5237E53FC22587F3002B3937?OpenDocument">http://www.competition.gov.cy/competition/competition.nsf/All/F5738C6E5237E53FC22587F3002B3937?OpenDocument</a>
<b>B. Implementing regulation(s) (if any):</b> [name and reference]	None.

<sup>1</sup> Editor's note: all the comments in [square brackets] are intended to assist the agency when answering this template, but will be removed once the completed template is made public.

number, availability (homepage address) and indication of the languages in which these materials are available]	
C. Interpretative guideline(s) (if any): [name and reference number, availability (homepage address) and indication of the languages in which these materials are available]	None.
D. Other relevant materials (if any): [availability (homepage address) and indication of the languages in which these materials are available]	None.

## 2. Scope and nature of prohibition on cartels

<p><b>A. Does your law or case law define the term “cartel”?</b> [Please quote.]</p> <p><b>If not, please indicate the term you use instead. [Please quote.]</b></p>	<p>In the national legislation there is no definition of the term cartel, but this form of anti-competitive behaviour may fall under the section of the national law that prohibits all forms of collusion which have as their object or effect the prevention, restriction, or distortion of competition. The term “collusion” includes an agreement between undertakings, a decision of an association of undertakings or a concerted practice (Section 3 of the Protection of Competition Laws of 2022 (hereinafter referred to as the “Law”))</p>
<p><b>B. Does your legislation or case law distinguish between very serious cartel behaviour (“hardcore cartels” – e.g.: price fixing, market sharing, bid rigging or production or sales quotas<sup>2</sup>) and other types of “cartels”?</b> [Please describe how this differentiation is made and identify the most egregious types of conduct.]</p>	<p>Although the national legislation does not make such distinction, based on the case law as evolved through years, such distinction may be made by the Commission for the Protection of Competition of the Republic of Cyprus (hereinafter the “CPC”), especially in cases of cartels, which directly or indirectly fix purchase or selling prices or any other trading conditions, limit or control production, markets, technical development or investments, share markets, geographically or otherwise, or sources of supply.</p>
<p><b>C. Scope of the prohibition of hardcore cartels: [including any exceptions, exclusions and defences e.g. for particular industries or sectors. Please also describe any other limitations to the</b></p>	<p>The Law does not make such distinction. Please find herein below the provisions of Section 3 the Law:</p> <p>All agreements between undertakings, decisions by associations of undertakings and any concerted practices having as their object or effect the elimination, restriction or distortion of competition within the Republic, shall be</p>

<sup>2</sup> In some jurisdictions these types of cartels – and possibly some others – are regarded as particularly serious violations. These types of cartels are generally referred to as “hardcore cartels”. Hereinafter this terminology is used.

<p><b>ban on hardcore cartels.]</b></p>	<p>prohibited, and in particular those which:</p> <p>(a) directly or indirectly fix purchase or selling prices or any other trading conditions;</p> <p>(b) limit or control production, markets, technical development or investments;</p> <p>(c) share markets or sources of supply, geographically or otherwise;</p> <p>(d) apply dissimilar conditions to equivalent transactions with other trading undertakings, thereby placing them at a competitive disadvantage;</p> <p>(e) make the conclusion of contracts subject to acceptance by the other parties of supplementary obligations which, by their nature or according to commercial usage have no connection with the subject of such contracts.</p> <p>The law provides for an exemption to this prohibition if any agreement, decision or concerted practice is proven that (Section 4 of the Law):</p> <p>(1) contributes to improving the production or distribution of goods or to promoting technical or economic progress, while allowing consumers a fair share of the resulting benefit;</p> <p>(2) does not impose on the undertakings concerned restrictions which are not indispensable to the attainment of these objectives; and</p> <p>(3) does not afford such undertakings the possibility to eliminate competition from a substantial part of the market of the product concerned.</p> <p>Also, in case an agreement belongs to a category of agreements regulated by a Ministerial Council Order (Block Exemption Regulation), then it can be excluded from the application of the Law (Section 5 of the Law).</p> <p>Agreements, decisions and concerted practices which fall within the scope of the provisions of section 3(1) of the Law and do not fulfil the requirements provided by the aforementioned sections 4 and/or 5 of the Law, shall be null and void ab initio, no prior decision to that effect being required.</p>
<p><b>D. Is participation in a hardcore cartel illegal <i>per se</i><sup>3</sup>? [If the situation differs for civil, administrative and criminal liability, please clarify this.]</b></p>	<p>Yes.</p>

<sup>3</sup> For the purposes of this template the notion of 'per se' covers both 'per se' and 'by object', as these terms are synonyms used in different jurisdictions.

<p><b>E. Is participation in a hardcore cartel a civil or administrative or criminal offence, or a combination of these?</b></p>	<p>Infringement of section 3 of the Law constitutes an administrative offence. However, anyone who continues to infringe section 3 of the Law, following a relevant decision of the CPC is guilty of a criminal offence (two (2) years imprisonment or up to €340.000) (section 59 of the Law).</p>
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### 3. Investigating institution(s)

<p><b>A. Name of the agency, which investigates cartels: [if there is more than one agency, please describe the allocation of responsibilities]</b></p>	<p>The Service of the Commission for the Protection of Competition.</p>
<p><b>B. Contact details of the agency: [address, telephone and fax including the country code, email, website address and languages available on the website]</b></p>	<p>Commission for the Protection of Competition  Address: 53 Strovolos Avenue, Victory Building, 1683 Nicosia, Cyprus  Tel: +35722 606600 Fax:+35722 304944  Email: chairman@competition.gov.cy  Website: www.competition.gov.cy (EL, EN)</p>
<p><b>C. Information point for potential complainants:</b></p>	<p>See 3/B above.</p>
<p><b>D. Contact point where complaints can be lodged:</b></p>	<p>See 3/B above.</p>
<p><b>E. Are there other authorities which may assist the investigating agency? If yes, please name the authorities and the type of assistance they provide.</b></p>	<p>The investigation procedures may be assisted by the Cyprus police, the Deputy Ministry of Research, Innovation and Digital Policy and other regulatory authorities with responsibilities and powers on the economic sector.</p>

### 4. Decision-making institution(s)<sup>4</sup> [to be filled in only if this is different from the investigating agency]

<p><b>A. Name of the agency making decisions in cartel cases: [if there is more than one agency, please describe the allocation of responsibilities.]</b></p>	<p>The Commission for the Protection of Competition.</p>
<p><b>B. Contact details of the agency: [address, telephone and fax including the country code,</b></p>	<p>See 3/B above.</p>

<sup>4</sup> Meaning: institution taking a decision on the merits of the case (e.g. prohibition decision, imposition of fine, etc.)

email, website address and languages available on the website]	
<b>C. Contact point for questions and consultations:</b>	See 3/B above.
<b>D. Describe the role of the investigating agency in the process leading to the sanctioning of the cartel conduct.</b>	<p>The Service of the CPC is responsible for the investigation of a case (collection and examination of the necessary information).</p> <p>During the investigation the Service may use the investigative powers indicated in PART 9 below.</p> <p>With the conclusion of the preliminary investigation the Service prepares a report with its findings and recommendations and submits it thereof to the Commission along with the administrative file of the case.</p> <p>The Commission after evaluating the investigative report and all the evidence before it, decides, prima facie, on the merits of the case.</p> <p>Where there is a prima facie infringement, the Commission serves to the involved parties a Statement of Objections.</p>
<b>E. What is the role of the investigating agency if cartel cases belong under criminal proceedings?</b>	Not applicable.

## 5. Handling complaints and initiation of proceedings

<b>A. Basis for initiating investigations in cartel cases: [complaint, ex officio, leniency application, notification, etc.]</b>	Investigations in cartel cases commence on the basis of complaints of any physical person or legal entity or ex officio.
<b>B. Are complaints required to be made in a specific form (e.g. by phone, in writing, on a form, etc.)? [If there is a requirement to complete a specific form, please, indicate its location (website address).]</b>	<p>Complaints must be submitted to the Commission for the Protection of Competition of the Republic of Cyprus.</p> <p>The complaint must be in written, printed and digitalised (editable) form, and signed either by the complainant or an authorised representative of the complainant and must contain all the information included in Annex I. In case an authorised representative signs the complaint on behalf of the complainant, Annex II of the Law should also be completed and sent.</p> <p>In case the complaint does not include all the information requested in the Annex I and or a complete form as in Annex II in cases where an authorised representative sign the complaint, the CPC has the discretionary power to decide to proceed with the investigation if it considers that the information communicated is adequate for the examination of the complaint (section 44 of the Law). If not, the CPC notifies the complainant of information missing and follows the procedures set out in section 44 of the Law.</p> <p>Form for the submission of complaints in the homepage:</p> <p>Greek:  <a href="http://www.competition.gov.cy/competition/competition.nsf/page23_gr/page23_gr?OpenDocument">http://www.competition.gov.cy/competition/competition.nsf/page23_gr/page23_gr?OpenDocument</a></p>

<p><b>C. Legal requirements for lodging a complaint against a cartel: [e.g. is legitimate interest required, or is standing to make a complaint limited to certain categories of complainant?]</b></p>	<p>Any natural or legal person having a legitimate interest may lodge a complaint regarding an alleged infringement of the provisions of the Law. The complaint must contain the information stated in 5/B.</p>
<p><b>D. Is the investigating agency obliged to take action on each complaint that it receives or does it have discretion in this respect? [Please elaborate.]</b></p>	<p>Upon receiving a complaint that was filed in the correct form including all information required), the CPC is obliged to investigate the infringement unless it considers that the complaint providently does not fall within the CPC's competence or that the complainant does not have a legitimate interest or does not fall within the priorities of the CPC (section 27(4) of the Law). In these cases, the CPC rejects the complaint and informs the person who submitted the complaint accordingly (Section 44(7) of the Law).</p>
<p><b>E. If the agency intends not to pursue a complaint, is it required to adopt a decision addressed to the complainant explaining its reasons?</b></p>	<p>The complainant must be informed of the decision of the Commission not to open up an investigation and reject a complaint due to the fact that the minimum requirements and / or information requirements set by the Law were not fulfilled, if the complaint is considered to fall outside the Commission's competence, if the complainant does not have a legitimate interest or if the complaint is not considered a priority by the CPC.</p>
<p><b>F. Is there a time limit counted from the date of receipt of a complaint by the competition agency for taking the decision on whether to investigate or reject it?</b></p>	<p>No.</p>

## 6. Leniency policy<sup>5</sup>

<p><b>A. What is the official name of your leniency policy (if any)? [Please indicate its public availability.]</b></p>	<p>The official name of the Cypriot Leniency Programme is in Greek: «Οι περί Απαλλαγής και Μείωσης του Διοικητικού Προστίμου σε Περίπτωση Συμπράξεων κατά Παράβαση του άρθρου 3 του περί της Προστασίας του Ανταγωνισμού Νόμου ή/και του Άρθρου 101 της ΣΛΕΕ (Πρόγραμμα Επικινών Μεταχείρισης) Κανονισμοί του 2022» (available at: <a href="http://www.competition.gov.cy/competition/competition.nsf/B3944B7D7A1A8BF1C2257E1F0037D479/\$file/%CE%9A.%CE%94.%CE%A0.%20442-2022.pdf">http://www.competition.gov.cy/competition/competition.nsf/B3944B7D7A1A8BF1C2257E1F0037D479/\$file/%CE%9A.%CE%94.%CE%A0.%20442-2022.pdf</a>)</p> <p>In English: "The Immunity and Reduction of Administrative Fines in cases of concerted practices that infringe Section 3 of the Protection of Competition Law or/and Article 101 TFEU (Leniency Programme) Regulations of 2022".</p>
<p><b>B. Does your jurisdiction offer full leniency as well as partial leniency (i.e. reduction in the sanction / fine), depending on</b></p>	<p>The Cypriot Leniency Programme offers both full leniency (immunity from fines) and partial leniency (reduction of fines up to 50%).</p>

<sup>5</sup> For the purposes of this template the notion of 'leniency' covers both full leniency and a reduction in the sanction or fines. Moreover, for the purposes of this template terms like 'leniency' 'amnesty' and 'immunity' are considered as synonyms.

the case?	
<b>C. Who is eligible for full leniency [only for the first one to come forward or for more participants in the cartel]?</b>	Full leniency may only be granted to the undertaking which is the first to submit a leniency application and which fulfils the conditions stated in the Leniency Regulation (please see 6F).
<p><b>D. Is eligibility for leniency dependent on the enforcing agency having either no knowledge of the cartel or insufficient knowledge of the cartel to initiate an investigation?</b></p> <p><b>In this context, is the date (the moment) at which participants in the cartel come forward with information (before or after the opening of an investigation) of any relevance for the outcome of leniency applications?</b></p>	<p>The Commission grants immunity from administrative fines that would otherwise be imposed on an undertaking which reveals its involvement in an alleged concerted practice if:</p> <p>(a) at the time of receipt of the application by the Commission, the undertaking is the first to submit evidence that allows the Commission to conduct an inspection according to sections 38 and/or 39 of the Law (on the spot inspections) concerning an infringement of section 3 of the Law or/and Article 101 of the TFEU in relation to a secret collusion, or</p> <p>(b) the undertaking is the first to submit evidence which the Commission considers sufficient for finding an infringement of section 3 of the Law or/and Article 101 of the TFEU.</p> <p>Immunity from the imposition of an administrative fine, according to paragraph (a) above is not granted if, at the time of the submission of the application, the Commission already had at its disposal sufficient evidence to carry out an investigation pursuant to sections 38 (inspections in business premises) or/and 39 (inspection in private premises) of the Law for alleged infringements of section 3 or/and Article 101 of TFEU, or had already carried out such inspection.</p> <p>Immunity pursuant to paragraph (b) above is only granted if, at the time of the submission of the application, the Commission did not have sufficient evidence to find an infringement of section 3 of the Law or/and Article 101 of TFEU regarding the alleged secret collusion and no other undertaking had been previously granted conditional immunity from administrative fines under paragraph (a) above regarding the alleged secret collusion.</p> <p>The immunity is granted only if the undertaking had not forced other undertakings to enter into or remain in the secret collusion.</p>
<b>E. Who can be a beneficiary of the leniency program (individual / businesses)?</b>	Only undertakings may be the beneficiaries of the Cypriot leniency programme, since pursuant to the Law no sanctions for infringement of section 3 of the Law and / or Article 101 of the TFEU may be imposed upon natural persons (not falling within the meaning of undertaking).
<b>F. What are the conditions of availability of full leniency: [e.g. provide decisive evidence, maintain cooperation throughout, not to be the ringleader, cease the infringement, restitution, etc.]</b>	<p>Subject to the provisions of Regulation 7 of the Leniency Regulation (See 6/l below), and in order for an undertaking to qualify for immunity from an administrative fine, it must, in any case, meet the following requirements cumulatively (Regulation 6 of the Leniency Regulation):</p> <p>(a) to cooperate fully, sincerely, continuously and swiftly with the Commission, from the date of submission of the application up until the completion of the procedures in relation to all undertakings under investigation, and the issuance of the decision, and in particular:</p> <p>(i) to provide the Commission swiftly with all relevant information and evidence that are in the possession of the applicant undertaking, or to which it has access, in relation to the alleged secret collusion and especially:</p> <p>(aa) name and address of the applicant undertaking;</p> <p>(bb) names of all other undertakings participating or that have</p>



	<p>participated in the alleged secret collusion ;</p> <p>(cc) details of the alleged secret collusion, including the affected products and areas as well as the duration and the nature of the concerted practice;</p> <p>(dd) information related to a leniency application which has been previously filed or might be filed in the future to the European Commission, to a Competition Authority of another member state or to a Competition Authority of third countries in relation to the alleged secret collusion.</p> <p>(ii) to remain at the Commission's disposal to answer to any request that may contribute to the establishment of the relevant facts;</p> <p>(iii) to make current directors, members of the management board and other employees available for interviews with the Commission and make reasonable efforts to make directors, members of the management board and other employees available for interviews with the Commission;</p> <p>(iv) not to destroy, falsify or conceal information and /or evidence; and</p> <p>(v) not to disclose the fact or any of the contents of its application before the Commission issues a statement of objections, pursuant to section 18 of the Law, unless otherwise agreed;</p> <p>(b) to terminate its involvement in the alleged secret collusion, at the latest on the time of submission of the leniency application, unless the Commission deems the undertaking's continued involvement reasonable necessary in order to safeguard the integrity of the investigation</p> <p>(c) in case the undertaking is examining the option of filing a leniency application, it must not destroy, falsify or conceal information or evidence related to the alleged secret collusion or disclose the submission of the application or any part of its content, except to the European Commission or the Competition Authorities of other member states or competition authorities of third countries.</p>
<p><b>G. What are the conditions of availability of partial leniency (such as reduction of sanction / fine / imprisonment): [e.g.: valuable, potential, decisive evidence by witnesses or on basis of written documents, etc.? Must the information be sufficient to lead to an initiation of investigations?]</b></p>	<p>In order for an undertaking to meet the relevant conditions for the reduction of an administrative fine that would otherwise have been imposed, it must (Regulation 5 of the Leniency Regulation):</p> <p>(a) not fulfil the requirements provided in Regulation 4 of the Leniency Regulation (see 6D above);</p> <p>(b) fulfil the requirements provided in Regulation 6 of the Leniency Regulation cumulatively (see 6F above);</p> <p>(c) disclose to the Commission its participation in the secret collusion; and</p> <p>(d) provide to the Commission evidence related to the alleged secret collusion which represents significant added value in relation to the evidence already in the Commission's possession at the time of submission of the leniency application.</p> <p>For the purposes of the applicable Regulation:</p> <p>(a)"significant added value" refers to the extent to which the evidence provided strengthens, by its very nature or/and its level of detail, the Commission's ability to prove the alleged secret collusion;</p> <p>(b) incriminating evidence directly relevant to the facts in question will generally be considered to have a greater value than that with only</p>

	<p>indirect relevance; and</p> <p>(c) the degree of corroboration from other sources, required for the evidence submitted to be relied upon against other undertakings involved in the case, will have an impact on the value of that evidence, so that compelling evidence will be attributed a greater value than evidence such as statements, which require corroboration if contested.</p> <p>It should be noted that if the applicant undertaking submits irrefutable evidence that the Commission uses to prove further facts resulting in the increase of the administrative fines in contrast with the fines that would have been imposed otherwise, the Commission shall not take into account such additional facts at the time of determining the amount of the administrative fine on the applicant undertaking which provided such additional evidence.</p> <p>In addition, the Commission grants reduction of the administrative fine only if the applicant undertaking has not compelled other undertakings to participate or continue their involvement in the secret collusion.</p> <p>According to Regulation 16 of the Leniency Regulation, the Commission takes its final decision on the applications for granting a reduction of the administrative fine in its final infringement decision by which fines are imposed in relation to the alleged infringement, in which it specifies the following:</p> <p>(a) whether the evidence submitted by the applicant undertaking had significant added value in relation to the evidence that the Commission had in its possession at the time</p> <p>(b) whether the requirements set out in Regulations 5, 6 and 7 of the Leniency Regulation are met</p> <p>(c) the level of the reduction in the amount of the fine will be as follows:</p> <ul style="list-style-type: none"> <li>(i) for the first undertaking which complies with Regulation 5 of the Leniency Regulation: a reduction of 30-50%,</li> <li>(ii) for the second undertaking which complies with Regulation 5 of the Leniency Regulation: a reduction of 20-30%,</li> <li>(iii) for subsequent undertakings which comply with Regulation 5 of the Leniency Regulation: a reduction of up to 20%.</li> </ul> <p>In order to determine the level of reduction of the administrative fine within each of the above set limits, the Commission will take into account the time at which the evidence fulfilling the conditions of Regulation 5 was submitted and the extent to which it represents added value. The Commission may also take into account the extent and the consistency of cooperation of the undertaking after submitting the evidence.</p>
<p><b>H. Obligations for the beneficiary after the leniency application has been accepted: [e.g. ongoing, full cooperation with the investigating agency during the proceedings, etc.]</b></p>	<p>See 6/F above</p>
<p><b>I. Are there formal requirements to make a leniency application? [e.g. must applications take a particular form or include particular information/data,</b></p>	<p>The undertaking which applies for immunity or reduction from an administrative fine must file an application to the Commission with the following information and evidence, pursuant to Annex I of the Leniency Regulation:</p>

<p><b>must they be in writing or can they be made orally, etc.]</b></p>	<p>A. Statement of the undertaking's representative including the following:</p> <ul style="list-style-type: none"> <li>(i) name and address of the applicant undertaking;</li> <li>(ii) names of all other undertakings participating or that have participated in the alleged secret collusion;</li> <li>(iii) detailed description of the affected products/services;</li> <li>(iv) detailed description of the affected areas (relevant geographical market);</li> <li>(v) detailed description of the alleged secret collusion;</li> <li>(vi) duration and nature of the alleged secret collusion; and</li> <li>(vii) Information as to whether any other applications have been previously filed or may be filed in the future to the European Commission or other Competition Authority of other member state or competition authority of third country in relation with the alleged secret collusion.</li> </ul> <p>B. Evidence related to the alleged secret collusion that the applicant undertaking has in its possession, or is available to it at the time of the submission of the application, in particular any evidence which concerns the period of the infringement.</p> <p>C. Statement of the applicant undertaking or the undertaking's representative that all information provided in the application and statement are true.</p> <p>The application must be dated, signed by the duly representative of the undertaking and the corporate seal should be affixed accordingly.</p>
<p><b>J. Are there distinct procedural steps within the leniency program? [e.g.: provisional guarantee of leniency ("PGL") and further steps leading to a final leniency agreement / decision)?]</b></p>	<p>The procedural steps for leniency applications may differ in relation to the nature of the application. These are provided by Regulations 7-17 of the Leniency Regulation.</p> <p>The application for immunity or reduction from the administrative fine procedure is the same in relation to the form of the applications (Regulation 7 and Annex I), the procedures in relation to summary applications are set out in Regulation 8 and Annex II of the Regulations, the procedures in relation to application for the provision of priority number for ranking purposes in the Leniency Programme are provided for in Regulation 10 and Annex III, the provisional guarantee for immunity are provided for in Regulation 13 and for reduction of fine in Regulation 15, the submission of evidence on a hypothetical basis procedures are provided for in Regulations 9 and 13 of the Regulations.</p>
<p><b>K. At which time during the application process is the applicant given certainty with respect to its eligibility for leniency, and how is this done?</b></p>	<p>Following the submission of the application by the undertaking (accompanied by all the relevant supporting evidence), the Commission examines whether it complies with the prerequisites of Regulations 4, 5, 6 and 7 of the Leniency Regulation.</p> <p>Regarding both immunity and reduction of fines, the Commission shall communicate its conditional decision the latest on the day when the statement of objections is notified.</p> <p>The final decision of the Commission to provide immunity or reduction from the administrative fine is granted as part of its final decision regarding the infringement of section 3 of the Law, issued in accordance with section 29(1) of the Law.</p>

<p><b>L. What is the legal basis for the power to agree to grant leniency? Is leniency granted on the basis of an agreement or is it laid down in a (formal) decision? Who within the agency decides about leniency applications?</b></p>	<p>The legal basis for the power to agree to grant leniency is “The Immunity and Reduction of Administrative Fines in cases of collusions that infringe Section 3 of the Law and/or Article 1 01 TFEU (Leniency Programme) Regulations of 2022” which have been issued pursuant to Section 29(a), Section 47(5) and Section 65 of the Protection of Competition Laws of 2022. Leniency is granted on the basis of a decision issued by the Commission after having completed its investigation and after being satisfied that the undertaking complies with the conditions of Regulations 4, 5, 6 and 7 of the Leniency Regulation.</p>
<p><b>M. Do you have a marker<sup>6</sup> system? If yes, please describe it.</b></p>	<p>Yes, according to Regulation 10 of the Leniency Regulation the undertaking which wishes to apply for leniency may apply to the Commission requiring a marker until all the necessary information and evidence required by Regulation 6 are gathered.</p> <p>In such case, the applicant undertaking must submit to the Commission all the information required by Annex III as stipulated below:</p> <ul style="list-style-type: none"> <li>(1) Name and address of the applicant undertaking;</li> <li>(2) Names of all other undertakings participating in the secret collusion;</li> <li>(3) Reasons for requiring a marker;</li> <li>(4) Affected products/ services;</li> <li>(5) Covered geographical areas (relevant geographic market);</li> <li>(6) Time frame of the alleged secret collusion;</li> <li>(7) Type and nature of the alleged secret collusion;</li> <li>(8) Information whether any other leniency application has been submitted in the past or may be filed in the future to the European Commission or any other Competition Authority of other member states or Competition authority of third country, regarding the alleged secret collusion.</li> </ul> <p>A signed declaration that all the information submitted within the application is true. Signature of the authorized person. Date.</p> <p>If the Commission grants a marker to the undertaking, it determines a specific period of time within which the applicant undertaking must complete its submission with the necessary information and evidence.</p> <p>If the undertaking completes its submission within the determined period of time, the information and supporting evidence which it submits are considered to have been submitted at the date whereupon the marker was granted to it.</p>
<p><b>N. Does the system provide for</b></p>	<p>No.</p>

<sup>6</sup> A marker protects an applicant’s place in the queue for a given period of time and allows it to gather the necessary information and evidence in order to meet the relevant evidential threshold for immunity.

<p>any extra credit<sup>7</sup> for disclosing additional violations? [e.g. a hardcore cartel in another market]</p>	
<p><b>O. Is the agency required to keep the identity of the beneficiary confidential? If yes, please elaborate.</b></p>	<p>Yes, according to Regulation 23 of the Leniency Regulation, the Commission protects the identity of the applicant undertaking as well as the content of the application and the fact that the undertaking is cooperating with the Commission, up until the Statement of Objections is issued, except in cases where the Commission is bound by another legal obligation or by the consent of the applicant undertaking.</p>
<p><b>P. Is there a possibility of appealing an agency's decision rejecting a leniency application?</b></p>	<p>The decision of the Commission for the Protection of Competition issued in connection with the suspected infringement, rejecting an application, may be appealed before the Administrative Court of Cyprus pursuant to Article 146 of the Constitution of the Republic of Cyprus.</p>
<p><b>Q. Contact point where a leniency application can be lodged [telephone and fax including the country code, plus out of hours contacts (if any)]:</b></p>	<p>53 Strovolos Ave. Victory Building, 2018 Strovolos, Nicosia, Cyprus P.O.Box 23467, 1683 Nicosia Tel: 00357-22606600 Fax: 00357-22304944 E-mail: <a href="mailto:chairman@competition.gov.cy">chairman@competition.gov.cy</a></p>
<p><b>R. Does the policy address the possibility of leniency being revoked? If yes, describe the circumstances where revocation would occur. Can an appeal be made against a decision to revoke leniency?</b></p>	<p>According to Regulation 20 of the Leniency Regulation, in the case of false, inaccurate or misleading statements on behalf of the applicant undertaking as well as the non-completion by the applicant undertaking of any term of condition referred to in the Regulations or in the decision of the Commission at whichever stage of the procedure, may have as a consequence the loss of the benefit of exemption from the administrative fine or any other favourable treatment as provided by the Regulation as decided by the Commission.</p> <p>Any person with a legitimate interest may file to the Administrative Court of Cyprus an appeal against a decision of the Commission within a period of 75 days, starting from the date the decision was notified to it (article 146 of the Constitution). The Administrative Court examines whether the decision of the Commission was taken according to the administrative law. Grounds for recourse include a claim that the Commission acted wrongly vis-à-vis the true facts of the case or erred in applying the provisions of the law</p>
<p><b>S. Does your policy allow for “affirmative leniency”, that is the possibility of the agency approaching potential leniency applicants?</b></p>	<p>No.</p>
<p><b>T. Does your authority have rules to protect leniency material from disclosure? If yes, please elaborate which parts are protected and what does protection actually</b></p>	<p>Yes, the rules of confidentiality as set out in Regulation 24 and 25 of the Leniency Regulation and section 40 and 42 of the Law.</p>

<sup>7</sup> Also known as: “leniency plus”, “amnesty plus” or “immunity plus”. This category covers situations where a leniency applicant, in order to get as lenient treatment as possible in a particular case, offers to reveal information about participation in another cartel distinct from the one which is the subject of its first leniency application.

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## 7. Settlement

<b>A. Does your competition regime allow settlement?</b>  If yes, please indicate its public availability (link to the relevant rules, guidelines, etc.).	No.
<b>B. Which types of restrictive agreements are eligible for settlement [e.g. hardcore cartels, other types of cartels, vertical agreements only ...]?</b>	Not applicable.
<b>C. What is the reward of the settlement for the parties?</b>	Not applicable,
<b>D. May a reduction for settling be cumulated with a leniency reward?</b>	Not applicable.
<b>E. List the criteria (if there is any) determining the cases which are suitable for settlement.</b>	Not applicable.
<b>F. Describe briefly the system [who can initiate settlement – your authority or the parties, whether your authority is obliged to settle if the parties initiate, in which stage of the investigation settlement may be initiated, etc.].</b>	Not applicable.
<b>F. Describe the procedural efficiencies of your settlement system [e.g. shorter decision, etc.].</b>	Not applicable.
<b>G. Does a settlement necessitate that the parties acknowledge their liability for the violation?</b>	Not applicable.
<b>H. Is there a possibility for settled parties to appeal a settlement decision at court?</b>	Not applicable.

## 8. Commitment

<p><b>A. Does your competition regime allow the possibility of commitment?</b></p> <p>If yes, please indicate its public availability [link to the relevant rules, guidelines, etc.].</p>	<p>Yes.</p> <p>Section 30 of the Law.</p>
<p><b>B. Which types of restrictive agreements are eligible for commitment [e.g. hardcore cartels, other types of cartels, vertical agreements only ...]?</b></p> <p>Are there violations which are excluded from the commitment possibility?</p>	<p>According to section 30(1)(a) of the Law, in case the CPC intends to issue a decision ordering that an infringement of the provisions in sections 3 and/or 6 of the Law and/or Articles 101 TFEU and/or 102 TFEU be brought to an end, and the undertakings or associations of undertakings concerned offer to undertake commitments to meet with the CPC's concerns in its preliminary assessment, the CPC may, by a decision, make these commitments binding on the undertakings or associations of undertakings concerned, provided that such will be considered as adequate.</p> <p>Pursuant to section 30(1)(b) of the Law, the decision of the CPC may be issued for a specified period and has to conclude that there are no longer grounds for further action.</p> <p>There are no available guidelines at this point.</p> <p>The Commission, in applying the Law, will be guided by EU case law.</p>
<p><b>C. List the criteria (if there are any) determining the cases which are suitable for commitment.</b></p>	<p>The are no such criteria set out in the Law.</p>
<p><b>D. Describe, which types of commitments are available under your competition law.[e.g.: behavioural / structural]</b></p>	<p>Both behavioural and structural.</p>
<p><b>E. Describe briefly the system [who can initiate commitment – your authority or the parties, in which stage of the investigation commitment may be initiated, etc.]</b></p>	<p>The parties must initiate the commitment procedure by offering commitments at the earliest possible stage.</p>
<p><b>I. Does a commitment decision necessitate that the parties acknowledge their liability for the violation?</b></p>	<p>No.</p>
<p><b>J. Describe how your authority monitors the parties' compliance to the commitments.</b></p>	<p>By setting time limits and making sure that these are followed by the parties and/ or bringing the matter forward for re-examination at later periods of time (i.e. by contacting the parties and/ or other market players).</p>
<p><b>K. Is there a possibility for parties to appeal a commitment decision at court?</b></p>	<p>Yes.</p>

## 9. Investigative powers of the enforcing institution(s)<sup>8</sup>

<p><b>A. Briefly describe the investigative measures available to the enforcing agency such as requests for information, searches/raids<sup>9</sup>, electronic or computer searches, expert opinion, etc. and indicate whether such measures requires a court warrant.</b></p>	<p>The CPC may (on its own account or for the account of another national competition authority):</p> <ul style="list-style-type: none"> <li>(a) collect all the necessary information, documents or other material by a written request, from the undertakings or other natural or legal persons (section 36 of Law);</li> <li>(b) call any legal or natural person, undertaking or association of undertakings to provide statements and/ or information related to the application of section 3 and/or 6 of the Law and/or Article 101 TFEU and/or Article 102 TFEU (section 37 of the Law);</li> <li>(c) conduct on the spot investigations and: <ul style="list-style-type: none"> <li>(i) enter into any office, premises, land and means of transport of undertakings and associations of undertakings, as well as in any other business premise, with the exemption of residences; (section 38(1)(a) of the Law);</li> <li>(ii) examine the books and other records (including electronic records) related to the business, irrespective where such are stored during unannounced raids (section 38(1)(b) of the Law);</li> <li>(iii) take or acquire, in any form, a copy or an extract form the records, books, accounts and any other document of business activity, irrespective of the medium in which they are stored, and wherever these are kept and, if necessary to continue the Commission’s premises(section 38(1)(c) of the Law);</li> <li>(iv) seal any business premises and books or records for the period and to the extent necessary for the unannounced inspection (section 38(1)(d) of the Law);</li> <li>(v) ask any representative or member of staff of the undertaking or association of undertakings for explanations on facts or documents relating to the subject- matter and purpose of the inspection and to record the answers (section 38(1)(e) of the Law); and</li> <li>(vi) enter into any premises, land and means of transport (other than the ones provided in section 38 of the Law) or residences of directors, managing officers and other members of the staff of the involved undertaking or associations of undertakings, provided that a prior court order has been issued and perform an inspection using the power stated above in (c)(i)-(iii) and (v) (section 39 of the Law).</li> </ul> </li> </ul>
<p><b>B. Can private locations, such as residences, automobiles, briefcases and persons be searched, raided or inspected? Does this require authorisation by a court?</b></p>	<p>Yes, the CPC has the power to enter into any premises, land and means of transport (other than the business premises, land and means of transport provided in section 38 of the Law) or residences of directors, managing officers and other members of the staff of the involved undertaking or associations, after obtaining a court order.</p>

<sup>8</sup> “Enforcing institutions” may mean either the investigating or the decision-making institution or both.

<sup>9</sup> “Searches/raids” means all types of search, raid or inspection measures.



	Briefcases and cars, when located at business premises and are considered to contain records related to business, may be searched/ inspected without the prior issuance of a court order
<b>C. Can servers located outside the territory (abroad or in a cloud) be inspected? Are there special rules for this investigative power? Please explain!</b>	The CPC has the power to take or acquire, in any form, a copy or an extract from the records, books, accounts and any other document of business activity, irrespective where such may be stored, and wherever these are kept.
<b>D. May evidence not falling under the scope of the authorisation allowing the inspection be seized / used as evidence in another case? If yes, under which circumstances (e.g. is a post-search court warrant needed)?</b>	No.
<b>E. Have there been significant legal challenges to your use of investigative measures authorized by the courts? If yes, please briefly describe them.</b>	No.

## 10. Procedural rights of businesses / individuals

<b>A. Key rights of defence in cartel cases: [e.g.: right of access to documents in the possession of the enforcing authority, right to a written statement of the case against the defendant, right to respond to that case in writing, right to respond orally, right to confront companies or individuals that make allegations against the defendant, right to legal representation before the enforcing authorities, right not to self-incriminate, etc.] Please indicate the relevant legal provisions.</b>	<p>- A statement of objections is served to the undertaking or association of undertakings under investigation, in order to enable it to state its position in regards to the objections. A reasonable time is provided to the involved undertaking to prepare its position, which should be submitted in writing. (section 18 of the Law)</p> <p>-The party has a right to legal representation. (section 18 of the Law)</p> <p>-The party has the right to access documents in the administrative file, provided that section 41 of the Law (confidentiality) is not violated. The CPC cannot issue a decision based on documents which have not been previously disclosed to the involved parties. (section 42 of the Law).</p> <p>-Any undertaking has a right to be heard orally and respond to the case in writing.</p>
<b>B. Protection awarded to business secrets (competitively sensitive information): is there a difference depending on whether the information is provided under a compulsory legal order or provided under informal co-operation? Please indicate the relevant</b>	<p>The CPC does not disclose information that were deemed to be confidential, unless such may support its findings (section 41 of the Law). The Service of the CPC submits to the Commission a relevant recommendation report regarding business secrets and/or confidential information and/or personal data (section 23(g) of the Law).</p> <p>The CPC has issued on 25/5/2022 a notice regarding the submission of confidential information and/or business secrets by the parties and the handling of such information, as well as an announcement regarding access to the file.</p>

## 11. Limitation periods and deadlines

**A. What is the limitation period (if any) from the date of the termination of the infringement by which the investigation / proceedings must begin or a decision on the merits of the case must be made? Please describe potential suspension or interruption opportunities of this limitation period and the requirements for such rules to apply!**

There is a time limit of five years for the exercise of the CPC's power to impose pecuniary sanctions, in cases of infringements of section 3 or 6 of the Law (anticompetitive agreements and abuse of dominance) and three years in case of infringements for collecting evidence and the conduction of inspections (Section 49 of the Law).

The above limitation period begins from the date the infringement takes place and where the infringement continues or is repeated, from the date the infringement ceases.

The limitation period is interrupted by any act of the CPC, aiming at the conduct of preliminary investigation or at the examination of a possible infringement of the Law. These acts mainly include:

(a) initiation of examination procedure on behalf of the Commission, pursuant to section 18(1) of the Law;

(b) written request by the Commission to provide information, pursuant section 36(1) of the Law;

(c) call of an undertaking or association of undertaking for giving statements, pursuant to section 37 of the Law;

(d) written order by the Commission for inspection, pursuant to section 38(2) of the Law;

(e) court order for inspection pursuant to section 39 of the Law.

It is noted that for the acts mentioned above in paragraphs (a) to (e), the interruption of the time limitation shall apply for all involved undertakings or associations of undertakings which participate in the infringement.

(f) written notification of the CPC for commencing procedures of possible infringement of the provisions of sections 36-39, pursuant to section 19 of the Law.

The limitation period shall re-commence, from the beginning, after every interruption.

The limitation period for the imposition of administrative fines shall be suspended for as long as the CPC's decision is the subject of an ongoing procedure before the Administrative and Supreme Court.

It should be noted that the time limitation shall be interrupted for as long as the investigation under the Article 101 of the TFEU remains pending before an EU National Competition Authority or the European Commission in relation to an infringement which concerns the same agreement, decision of an association of undertakings or concerted practice or other conduct prohibited by Article 101 of the TFEU and/or Article 102 of the TFEU.

The aforementioned interruption commences at the time of notifying for the first official measures of investigation taken, of at least one of the undertakings or associations of undertakings, which are the subjects of such investigation.

	<p>(section 49(6)(a) of the Law)</p> <p>Further, it is noted that the interruption or suspension shall cease on the date when the EU National Competition Authority or the European Commission shall terminate the procedures of implementation of the provisions of the Law and Article 101 of the TFEU and/or Article 102 of the TFEU.(section 49(6)(b) of the Law).</p>
<p><b>B. What is the deadline, statutory or otherwise (if any) for the completion of an investigation or to make a decision on the merits? Please describe potential suspension or interruption opportunities of this limitation period and the requirements for such rules to apply!</b></p>	<p>See 11/A above.</p>
<p><b>C. What are the deadlines, statutory or otherwise (if any) to challenge the commencement or completion of an investigation or a decision regarding sanctions? (see also 15A)</b></p>	<p>Any person with a legitimate interest may file an appeal against a decision of the CPC within a period of 75 days, starting from the date the decision was notified to it. (Article 146 of the Constitution of Cyprus).</p>

## 12. Types of decisions

<p><b>A. List which types of decisions on the merits of the case can be made in cartel cases under the laws listed under Section 1. [E.g.: finding of an infringement, ordering to bring the infringement to an end, imposition of fines, etc.]</b></p>	<p>Where the CPC, in the course of the proceedings carried before it, finds an infringement regarding a cartel, it may (section 29 of the Law):</p> <ul style="list-style-type: none"> <li>- impose an administrative fine up to 10% of the turnover of the financial year prior the Commission's decision on undertakings for the infringements of the Law depending on the seriousness and the duration of such infringement, in accordance with section 47 of the Law.</li> <li>- order the undertakings involved to terminate (cease) (within a set fixed time-period) the infringement and to avoid repetition in future thereof, or in case the infringement was terminated before the decision of the CPC, to condemn the undertaking by a declaratory judgment (i.e. past infringements).</li> <li>- impose behavioural and/or structural measures to the undertakings involved, that are necessary for the effective termination of the infringement.</li> <li>- accept commitments offered by the involved undertakings (section 30 of the Law).</li> </ul>
<p><b>B. List any other types of decisions on the merits of the case relevant particularly in hardcore cartel cases under</b></p>	<p>See 12/A above.</p>

<p>the laws listed under Section 1 (if different from those listed under 12/A).</p>	
<p><b>C. Can interim measures<sup>10</sup> be ordered during the proceedings in cartel cases? (if different measures for hardcore cartels please describe both<sup>11</sup>.) Which institution (the investigatory / the decision-making one) is authorised to take such decisions? What are the conditions for taking such a decision?</b></p>	<p>The Commission has the power, after an application or on its own initiative, to order temporary interim measures and to impose such terms which under the circumstances deems necessary (section 34 of the Law).</p> <p>These measures, whether mandatory or prohibitory, must not exceed what is absolutely necessary under the circumstances.</p> <p>The following conditions must be satisfied cumulatively for such an order to be issued:</p> <p>(a) there should be a reasonably strong prima facie case of an infringement of section 3 and/or 6 of the Law and/or Article 101 TFEU and/or Article 102 TFEU.</p> <p>(b) it is a case of urgency due to the serious risk of irreparable damage on competition.</p> <p>Failure of the undertaking or the association of undertakings to comply with the interim measures imposed by the CPC constitutes a criminal offence that can be brought before the courts and the Commission has also the power to impose administrative fines in relation to the non-compliance.</p>

### 13. Sanctions for procedural breaches (non-compliance with procedural obligations) in the course of investigations

<p><b>A. Grounds for the imposition of procedural sanctions / fines [e.g. late provision of requested information, false or incomplete provision of information, lack of notice, lack of disclosure, obstruction of justice, destruction of evidence, challenging the validity of documents authorizing investigative measures, etc.]:</b></p>	<p>The Commission may impose administrative fines, to undertakings or associations of undertakings, to natural or legal persons or to private bodies, which infringe the provisions of the Law or omit to comply with them in relation to procedural infringements in the context of the application of section 36(request for information), section 27 (provide statement) and 38 (dawn raids).</p> <p>These fines are set out in section 47 of the Law and are as follows:</p> <p><b>(a) Administrative fine up to ten percent (10%)</b> of the turnover of the previous financial year, if the involved undertakings or associations of undertakings</p> <p><b>(b) Administrative fine up to one percent (1%)</b> of the undertaking's or association of undertakings' turnover of the previous financial year, if the undertaking or the association of undertakings:</p> <p>(i) have provided false, incomplete, inaccurate or misleading information intentionally or negligently, pursuant to section 36 and 37 of the Law; or</p>
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<sup>10</sup> In some jurisdictions, in cases of urgency due to the risk of serious and irreparable damage to competition, either the investigator or the decision-making agency may order interim measures prior to taking a decision on the merits of the case [e.g.: by ordering the immediate termination of the infringement].

<sup>11</sup> Only for agencies which answered “yes” to question 2.B. above

	<p>(ii) have refused to receive a written request of the Commission for collection of information, pursuant to section 36 of the Law; or</p> <p>(iii) have refused or have omitted to comply with the Commission's call for providing a statement, pursuant to section 37 of the Law; or</p> <p>(iv) have provided incomplete and/or distorted requested files, books, accounts or other documents related to the business activity in the context of audit, pursuant to section 38 of the Law; or</p> <p>(v) have refused to comply with the Commission's order for inspection, granted pursuant to section 38 of the Law; or</p> <p>(vi) have intentionally or negligently broke the seal affixed, pursuant to section 38(1)(d) of the Law; or</p> <p>(vii) have provided inaccurate or misleading answers and/or have omitted or refused to provide complete answers to questions submitted pursuant to 38(1)(e) of the Law.</p> <p><b>(c) administrative fine up to five percent (5%)</b> of the average daily turnover of the previous financial year of the Commission's decision for each day that the infringement continues, from the date set out in the Commission's decision, if the involved undertaking or associations of undertakings:</p> <p>(iii) have omitted to provide the information requested within set time frame, pursuant to section 36; or</p> <p>(iv) have omitted or refused to comply with the Commission's request to provide a statement, pursuant to section 37 of the Law; or</p> <p>(v) have omitted to comply with the Commission's order for conducting inspection, pursuant to section 38 of the Law.</p> <p><b>(d) administrative fine up to €25.000</b> to natural persons in the event of:-</p> <p>(i) providing false, incomplete, inaccurate or misleading information, intentionally or negligently, pursuant to section 36 and 37 of the Law; or</p> <p>(ii) refusing to receive written request of the Commission for collection of information pursuant to section 36 of the Law; or</p> <p>(iii) refusing or omitting to provide a statement as such has been requested by the Commission, pursuant to section 37 of the Law; or</p> <p>(iv) omitting to comply with the obligation to provide information requested within a set time frame.</p> <p><b>(e) administrative fine up to €5.000</b> to natural persons for each day from the date set out in the decision for:</p> <p>(i) failing to provide the requested information within the set time frame, pursuant to section 36 of the Law; or</p> <p>(ii) failing or refusing or omitting to comply with the Commission's call to provide a statement, pursuant to section 37 of the Law.</p>
<b>B. Type and nature of the</b>	The sanctions imposed by the CPC are administrative (see

<b>sanction (civil, administrative, criminal, combined; pecuniary or other):</b>	13A). Criminal sanctions may only be imposed by the National Courts in regards to failure to comply with an unannounced raid order, alteration, destruction, conciliation of documents or records, provision of incorrect or misleading information or refusal to provide information during a dawn raid.
<b>C. On whom can procedural sanctions be imposed?</b>	On the parties participating in the proceedings and/ or investigation including persons from whom information is collected thereof.
<b>D. Criteria for determining the sanction / fine:</b>	<p>The Commission issues its decisions for imposing administrative fines (See 13/A above), following a proper investigation and considering the gravity and duration of each infringement. (section 50 of the Law)</p> <p>The Commission, also, may adjust the administrative fines according to the existence of aggravating and/or mitigating circumstances of each case, especially by taking into account, whether the undertaking or the association of undertakings has infringed the provisions of the Law negligently or intentionally and/or whether any compensation has been paid as a result of a consensual settlement, pursuant to the Civil Actions for Infringements of the Law of Competition Law. (section 47(4) of the Law)</p>
<b>E. Are there maximum and / or minimum sanctions / fines?</b>	See 13/A above.

## 14. Sanctions on the merits of the case

<b>A. Type and nature of sanctions in cartel cases (civil, administrative, criminal, combined):</b>	<p>The decisions taken by the Commission are of administrative nature and administrative sanctions may be imposed on undertakings or association of undertakings.</p> <p>For the purposes of imposing administrative fines (up to 10% of the turnover of the financial year prior the Commission's decision), the definition of undertaking includes both the parent companies and the legal and financial successors of the undertakings (section 47(3)(a) of the Law)</p> <p>In addition to this, if the infringement has been committed by an association of undertakings, which is connected with the activities of its members, the Commission may impose an administrative fine up to ten percent (10%) of the turnover of each undertaking which is member of the said association of undertakings and operates in the market affected by such infringement. (section 47(3)(b) of the Law)</p>
<b>On whom can sanctions be imposed? [E.g.: representatives of businesses, (imprisonment for individuals), businesses, in the case of associations of companies the associations or the individual companies?]</b>	
<b>B. Criteria for determining the sanction / fine: [e.g.: gravity, duration of the violation, benefit gained from the violation]</b>	<p>The Commission determines the level of a fine according to the gravity and duration of the infringement (section 29 (a) and section 50 of the Law).</p> <p>The Commission may adjust the administrative fine according to the existence of aggravating and/or mitigating circumstances, especially by considering, whether the undertaking or the association of undertakings has infringed the provisions of the Law negligently or intentionally and/or any compensation paid as a result of a consensual settlement</p>

	<p>pursuant to the Civil Actions for Infringements of the Law of Competition Law (section 47(4) of the Law).</p> <p>The Commission may decide on the immunity or reduction of a fine according to the criteria specified in the Leniency Programme.</p>
<b>C. Are there maximum and / or minimum sanctions / fines?</b>	The fine imposed should not exceed ten percent of the annual turnover of the undertaking or association of undertakings in the preceding financial year of its decision (section 47(1)(a) of the Law).
<b>D. Guideline(s) on calculation of fines: [name and reference number, availability (homepage address) and indication of the languages in which these materials are available]</b>	None.
<b>E. Does a challenge to a decision imposing a sanction / fine have an automatic suspensory effect on that sanction / fine? If it is necessary to apply for suspension, what are the criteria?</b>	A challenge of the decision reached on the merits of the case has no automatic suspensory effect in respect to the fine in question. However, a suspension may be requested by the party through an application for such suspension to the Administrative Court of Cyprus.

## 15. Possibilities of appeal

<b>A. Does your law provide for an appeal against a decision that there has been a violation of a prohibition of cartels? If yes, what are the grounds of appeal, such as questions of law or fact or breaches of procedural requirements?</b>	<p>A party having a legitimate interest may file an appeal to the Administrative Court of Cyprus against a decision of the CPC.</p> <p>The Administrative Court examines whether the decision of the CPC was taken according to the administrative law. Grounds for recourse include a claim that the CPC acted wrongly vis-à-vis the true facts of the case or erred in applying the provisions of the law.</p>
<b>B. Before which court or agency should such a challenge be made? [if the answer to question 15/A is affirmative]</b>	<p>Administrative Court of Cyprus.</p> <p>The parties file a recourse to the Administrative Court. If the decision of the Administrative Court does not satisfy the party then it may file an appeal to the Supreme Court of Cyprus in relation to that decision, which will be heard by a panel of 3 judges or an extended composition of the Supreme Court, depending on the circumstances.</p>

## 16. Private enforcement

<b>A. Are private enforcement of competition law and private damage claims possible in</b>	Yes, a party may apply to the national courts for damages either by filing a stand-alone claim, i.e. file a claim for infringement of competition law against a
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<p><b>your jurisdiction? If there is no legal provision for private enforcement and damage claims, what are the reasons for it?</b></p>	<p>certain party, or after an infringement decision has been issued by the CPC for the Protection of Competition.</p>
<p><b>B. Laws regulating private enforcement of competition law in your jurisdiction [indication of the provisions and languages in which these materials are available; availability (homepage address)]</b></p>	<p>In relation to stand-alone claims filed to the national courts, namely without the CPC issuing an infringement decision on the matter, the legal basis for such a claim is the Laws for the Protection of Competition of 2022.</p> <p>Furthermore, the Law on Damages for infringements of competition law of 2017 (L.113(I)/2017) is the law setting out the rules in relation to damages claims. This law was enacted pursuant to the obligation of the Republic of Cyprus under Directive 2014/104/EU of the European Parliament and of the Council of 26 November 2014 on certain rules governing actions for damages under national law for infringements of the competition law provisions of the Member States and of the European Union.</p> <p>The relevant law is available only in Greek and can be found here: <a href="http://www.cylaw.org/nomoi/enop/non-ind/2017_1_113/full.html">http://www.cylaw.org/nomoi/enop/non-ind/2017_1_113/full.html</a></p>
<p><b>C. Implementing regulation(s) on private enforcement (if any): [name and reference number, availability (homepage address) and indication of the languages in which these materials are available]</b></p>	<p>Not applicable.</p>
<p><b>D. On what grounds can a private antitrust cause of action arise? / In what types of antitrust matters are private actions available?</b></p>	<p>Private actions are available for all antitrust matters falling within the Laws for the Protection of Competition of 2022 and may be filed as stand-alone damages claims (namely without a decision issued by the CPC) or as a follow on damages claim (seeking damages using an infringement decision issued by the CPC).</p>
<p><b>E. What pleading standards must the plaintiff meet to file a stand-alone or follow-on claim?</b></p> <ul style="list-style-type: none"> <li>• <b>is a finding of infringement by a competition agency required to initiate a private antitrust action in your jurisdiction? What is the effect of a finding of infringement by a competition agency on national courts/tribunals?</b></li> <li>• <b>if a finding of infringement by competition authority is required, is it also required that decision to be judicially finalised?</b></li> </ul>	<p>The plaintiff has to prove its damages. A finding of infringement by the CPC is not required for the initiation of a stand-alone private enforcement action before the courts. However, if an infringement decision has been issued by the CPC and there is a follow-on claim filed, the CPC's judicially finalised decision constitutes an irrebuttable presumption for the court in accordance with Law on Damages for infringements of competition law of 2017 (L.113(I)/2017) and section 63 of the Protection of Competition Laws of 2022.</p>
<p><b>F. Are private actions available where there has been a</b></p>	<p>There are no provisions for criminal liability in regards to</p>



<b>criminal conviction in respect of the same matter?</b>	antitrust infringements in Cyprus.
<b>G. Do immunity or leniency applicants in competition investigations receive any beneficial treatment in follow-on private damages cases?</b>	The Law on Damages for infringements of competition law of 2017 (L.113(I)/2017), section 11(5), states that in the case of joint and several liability “an infringer may recover a contribution from any other infringer, the amount of which shall be determined in the light of their relative responsibility for the harm caused by the infringement of competition law. The amount of contribution of an infringer which has been granted immunity from fines under a leniency programme shall not exceed the amount of the harm it caused to its own direct or indirect purchasers or providers. To the extent the infringement of competition law caused harm to injured parties other than the direct or indirect purchasers or providers of the infringers, the amount of any contribution from an immunity recipient to other infringers shall be determined in the light of its relative responsibility for that harm.”
<b>H. Name and address of specialised court (if any) where private enforcement claims may be submitted to</b>	<p>Claims are filed in the Cyprus District Courts in accordance with the Courts Law L14/1960, as it has been amended. The aforementioned law can be found in the following link in Greek language:</p> <p><a href="http://www.cylaw.org/nomoi/enop/non-ind/1960_1_14/full.html">http://www.cylaw.org/nomoi/enop/non-ind/1960_1_14/full.html</a></p> <p>Pursuant to section 21 of said law, a claim is filed to one of the six district courts based on where the base of the claim arose. Therefore, the locality of the base of the claim is of importance.</p> <p>Information in relation to the six district courts (District Court of Nicosia, Limassol, Pafos, Larnaka, Kyrenia, Ammochostos) can be found in the following link in English language:</p> <p><a href="http://www.supremecourt.gov.cy/judicial/sc.nsf/DMLDcourt_en/DMLDcourt_en?opendocument">http://www.supremecourt.gov.cy/judicial/sc.nsf/DMLDcourt_en/DMLDcourt_en?opendocument</a></p>
<b>I. Information about class action opportunities</b>	<p>In accordance with Order 9(1) of the Civil Procedure Rules “All persons may be joined in one action as plaintiffs, in whom any right to relief in respect of or arising out of the same transaction or series of transactions is alleged to exist, whether jointly, severally, or in the alternative, where if such persons brought separate actions any common question of law or fact would arise: provided that, if upon the application of any defendant it shall appear that such joinder may embarrass or delay the trial of the action, the Court or a Judge may order separate trials, or make such other order as may be expedient, and judgment may be given for such one or more of the plaintiffs as may be found to be entitled to relief, for such relief as he or they may be entitled to, without any amendment. But the defendant, though unsuccessful, shall be entitled to his costs occasioned by so joining any person who shall not be found entitled to relief unless the Court or a Judge in disposing of the costs shall otherwise direct.”</p> <p>The relevant rules can be found in the following link: <a href="http://www.cylaw.org/cpr.html">http://www.cylaw.org/cpr.html</a></p>
<b>J. Role of your competition agency in private enforcement actions (if at all)</b>	In accordance with the Law on Damages for infringements of competition law of 2017 (L.113(I)/2017), section 6(5)(b) for the purpose of actions for damages, the court cannot at any time order a party or a third party to disclose any of the following categories of evidence: (a) leniency statements; and (b) settlement submissions. A claimant may present a reasoned

	<p>request that a national court access the evidence referred to in point (a) or (b) for the sole purpose of ensuring that their contents correspond to the definitions in section 2. In that assessment, the court may request assistance only from the national competition authority or the European Commission, including the CPC. The authors of the evidence in question may also have the possibility to be heard. In no case shall the national court permit other parties or third parties access to that evidence.</p> <p>Also, the CPC may, by acting on its own initiative state its views on the proportionality of disclosure requests, submit observations to the national court before which a disclosure order is sought.</p> <p>Additionally, see point (K) below.</p>
<p><b>K. What is the evidentiary burden on plaintiff to quantify the damages? What evidence is admissible?</b></p> <ul style="list-style-type: none"> <li>• <b>Role of your competition agency in the damage calculation (if at all)</b></li> </ul>	<p>The evidentiary burden in civil procedures is the balance of probabilities. Also, it is a rebuttable presumption that collusion infringements cause harm.</p> <p>In accordance with the Law on Damages for infringements of competition law of 2017 (L.113(I)/2017): “For the estimation of the amount of harm, the court may, if it is established that a claimant suffered harm but it is practically impossible or excessively difficult precisely to quantify the harm suffered on the basis of the evidence available, to ask for the contribution of the CPC.”</p>
<p><b>L. Discovery / disclosure issues:</b></p> <ul style="list-style-type: none"> <li>• <b>can plaintiff obtain access to competition authority or prosecutors’ files or documents collected during investigations?</b></li> <li>• <b>is your competition agency obliged to disclose to the court the file of the case (in follow-on cases)?</b></li> <li>• <b>summary of the rules regulating the disclosure of confidential information by the competition agency to the court</b></li> <li>• <b>summary of the rules regulating the disclosure of leniency-based information by the competition agency to the court</b></li> </ul>	<p>In accordance with the Law on Damages for infringements of competition law of 2017 (L.113(I)/2017), section 6- Disclosure of evidence included in the file of a competition authority:</p> <p>“When assessing the proportionality of an order to disclose information, the court shall consider the following:</p> <p>(a) the extent to which the claim or defence is supported by available facts and evidence justifying the request to disclose evidence;</p> <p>(b) the scope and cost of disclosure, especially for any third parties concerned, including preventing non-specific searches for information which is unlikely to be of relevance for the parties in the procedure;</p> <p>(c) whether the evidence the disclosure of which is sought contains confidential information, especially concerning any third parties, and what arrangements are in place for protecting such confidential information;</p> <p>(d) whether the request has been formulated specifically with regard to the nature, subject matter or contents of documents submitted to a national competition authority or the European Commission or held in the file thereof, rather than by a general application concerning documents submitted to a national competition authority or the European Commission;</p> <p>(e) whether the party requesting disclosure is doing so in relation to an action for damages before a national court; and</p> <p>(f) the need to safeguard the effectiveness of the public enforcement of competition law. The court may order the disclosure of the following categories of evidence only after a national competition authority or the European Commission, by adopting a decision or otherwise, has closed its proceedings:</p> <p>(i) information that was prepared by a natural or legal person specifically for the proceedings of a national competition</p>

authority or the European Commission;

(ii) information that the national competition authority or the European Commission has drawn up and sent to the parties in the course of its proceedings; and

(iii) settlement submissions that have been withdrawn.

For the purpose of actions for damages, the court cannot at any time order a party or a third party to disclose any of the following categories of evidence:

(a) leniency statements; and

(b) settlement submissions.

A claimant may present a reasoned request that the court access the evidence referred to in point (a) or (b) for the sole purpose of ensuring that their contents correspond to the definitions in section 2. In that assessment, the court may request assistance only from the national competition authority or the European Commission. The authors of the evidence in question may also have the possibility to be heard. In no case shall the national court permit other parties or third parties access to that evidence.

If only parts of the evidence requested are covered by the above, the remaining parts thereof shall, depending on the category under which they fall, be released in accordance with the relevant paragraphs of the law.

The disclosure of evidence in the file of a national competition authority or the European Commission that does not fall into any of the categories listed may be ordered in actions for damages at any time.

Where no party or third party is reasonably able to provide evidence included in a national competition authority's or the European Commission's file, the court may request that evidence from the national competition authority or the European Commission.

A national competition authority or the European Commission may, by acting on its own initiative state its views on the proportionality of disclosure requests, submit observations to the national court before which a disclosure order is sought.

The party that wishes to have access to evidence contained in a national competition authority's or the European Commission's file, must notify its request to the national competition authority or the European Commission.

Until a national competition authority or the European Commission has closed its proceedings by adopting a decision or otherwise, evidence in categories (i), (ii) and (iii) which is obtained by a natural or legal person solely through access to the file of that national competition authority or the European Commission is deemed to be inadmissible in actions for damages. Evidence in the categories of (a) leniency statements and (b) settlement submissions which is obtained by a natural or legal person solely through access to the file of a national competition authority or the European Commission is deemed to be inadmissible.

Evidence which is obtained by a natural or legal person solely through access to the file of a competition authority and which does not fall under (a), (b), (i), (ii), (iii), can be used in an action for damages only by that person or by a natural or legal person

	that succeeded to that person's rights, including a person that acquired that person's claim.
<p><b>M. Passing-on issues:</b></p> <ul style="list-style-type: none"> <li>• <b>how is passing-on regulated / treated in your jurisdiction?</b></li> <li>• <b>is standing to bring a claim limited to those directly affected or may indirect purchasers bring claims?</b></li> </ul>	<p>In accordance with the Law on Damages for infringements of competition law of 2017 (L.113(l)/2017), section 12 -Passing-on of overcharges and the right to full compensation:</p> <p>Compensation of harm can be claimed by anyone who suffered it, irrespective of whether they are direct or indirect purchasers from an infringer, and compensation of harm does not exceed that caused by the infringement of competition law to the claimant, and the court also takes into account the liability of the infringer. Compensation for actual loss at any level of the supply chain does not exceed the overcharge harm suffered at that level. The injured party has the right to claim and obtain compensation for loss of profits due to a full or partial passing-on of the overcharge.</p> <p>The defendant in an action for damages can invoke as a defence against a claim for damages the fact that the claimant passed on the whole or part of the overcharge resulting from the infringement of competition law. The burden of proving that the overcharge was passed on shall be on the defendant, who may reasonably require disclosure from the claimant or from third parties.</p>