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The Protection of Competition Law of 2022.
(English translation and consolidation)

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NOTE FOR THE READER

The publication at hand by the Office of the Law Commissioner is an English translation of Law No.13(I) of 2022 enacted in Greek.

However useful the English translation of the Law is in practice, it does not replace the original text of the Law since only the text published in the Official Gazette of the Republic is authentic.

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A LAW TO PROVIDE FOR THE PROTECTION OF COMPETITION

Preamble.

For the purposes of:

Official Journal
of the EU:
L 11, 14.1.2019,
p.3

(a) harmonisation with the act of the European Union entitled ‘Directive (EU) 2019/1 of the European Parliament and of the Council, of 11 December 2018 to empower the competition authorities of the Member States to be more effective enforcers and to ensure the proper functioning of the internal market’ and

Official Journal of
the EU: L1,
4.1.2003, p. 1

(b) regulating and protecting unrestricted competition in the Republic and implementation of the act of the European Community entitled ‘Council Regulation (EC) No 1/2003, of 16 December 2002, on the implementation of the rules on competition laid down in Articles 81 and 82 of the Treaty’, as amended by Council Regulation (EC) No 487/2009, of 25 May 2009 on the application of Article 81(3) of the treaty to certain categories of agreements and concerted practices in the air transport sector, as may be further amended or replaced from time to time,

Official Journal of
the EU: L 148,
11.6.2009, p.1.

The House of Representatives enacts as follows:

Short title.

13(I)/2022
169(I)/2022.

1. This Law may be cited as the Protection of Competition Law of 2022.

PART I INTERPRETATION

Interpretation.

2. In this Law, unless the context otherwise requires—

“Advisory Committee on Restrictive Practices and Dominant Positions” means the Advisory Committee established pursuant to Article 14 of Regulation (EC) No 1/2003

“agreement” means coinciding of the will of at least two undertakings irrespective of the way it is expressed;

“Article 101 TFEU” means article 101 of the Treaty on the Functioning of the European Union;

“Article 102 TFEU” means article 102 of the Treaty on the Functioning of the European Union;

“association of undertakings” means a company, partnership, association, society, institution or body of persons, with or without legal personality, representing the trade interests of autonomous undertakings and making decisions or concluding agreements to promote their interests;

“business secrets” means business secrets relating to the business activities of an undertaking or an association of undertakings, disclosure of which could cause serious harm to the said undertaking or association of undertakings:

Provided that, such information concern unclassified information and are marked as “Inaccessible - B.S.”

“Chairman” means:

- (a) the Chairman of the Commission; and
- (b) for the purposes of provisions other than the provisions of sections 9 to 17, the member of the Commission replacing the Chairman;

“collusion” means any formal or informal, written or oral, legally enforceable or not, agreement between two or more undertakings or the concerted practice of two or more undertakings or the decision of an association of undertakings but it does not include agreement or concerted practice-

(a) of a holding and its subsidiary company, if:

(i) they form a single economic entity within which the subsidiary has no real freedom of determining its own way of operating in the market and

(ii) the agreement or concerted practice relates exclusively to the allocation of activities between the holding and subsidiary company;

(b) of two or more subsidiaries of the same holding company, provided they form a single economic entity with the holding company;

“Commission” means the Commission for the Protection of Competition established under section 8;

“Competition Authority” means the authority or authorities of the Member States responsible for the protection of competition and designated as such by the Member States pursuant to Article 35 of Regulation (EC) No 1/2003;

“concerted practice” means a way of coordination between undertakings which conscientiously replaces competition risks with a cooperation practice between the said undertakings, without any agreement being concluded;

“confidential information” means information, other than business secrets, which may be considered as confidential since their disclosure could substantially harm a person or an undertaking, including information supplied by third parties for undertakings or associations of undertakings, which are capable of exercising great economic or commercial pressure on their competitors or trading partners, customers or suppliers;

Provided that, the said information concern unclassified information and are marked as “Inaccessible - CI”

83(l) of 2014. “control of concentrations of undertakings” means control of concentration of undertakings according to the provisions of the Control of Concentrations Between Undertakings Law

“Court” means a competent court;

“declaration of leniency” means the oral or written statement voluntarily submitted by or on behalf of an undertaking or natural person to the Commission, the European Commission or Competition Authority, or a copy thereof, containing information such undertaking or natural person has knowledge of, for the cartel and their role in it and which has been specifically drafted in order to be submitted to the Commission or the European Commission or a Competition Authority, in order to obtain immunity from the imposition of fines, or reduction of fines pursuant to the Leniency Programme, excluding evidence existing irrespective of the procedure of application of this Law and irrespective of whether such information is included in the file of the Competition Authority as pre-existing information;

“Directive (EU) 2019/1” means Directive (EU) 2019/1 of the European Parliament and of the Council of 11 December 2018 to empower the competition authorities of the Member States to be more effective enforcers and to ensure the proper functioning of the internal market, as amended or replaced from time to time;

“dominant position” means the position of economic strength enjoyed by an undertaking which enables it to prevent the preservation of an effective competition in the relevant market and which affords it to behave to a considerable extent, independently of its competitors and its customers and ultimately of the consumers;

“economic activity” means any activity which consists of supplying goods or providing services;

“European Commission” means the Commission of the European Union”;

“European Competition Network” means the network of public authorities consisting of the Competition Authorities and the European Commission with the aim of being a public forum for discussion and cooperation for the implementation and enforcement of the provisions of Article 101 of the TFEU and Article 102 of the TFEU;

“goods” means anything that could have a monetary value and capable of constituting the object of a commercial transaction;

“internal documents” means the preparatory documents and documents for internal use, including notes, drawings or other working and communication documents of the Commission, the Service, the European Commission or the Competition Authority as well as the correspondence between the Commission and the European Commission or other public authorities or services of the Republic or Member State or third countries or Competition Authorities or between these authorities:

Provided that, such information concern unclassified information and are marked as “Inaccessible - ID”;

“Leniency Programme” means the programme issued under Regulations pursuant to the provisions of section 65 for the purposes of regulating the criteria and requirements for granting immunity / exemption or reduction of the administrative fine by the Commission, which would otherwise have been imposed pursuant to the provisions of section 29 to an undertaking or an association of undertakings for infringement of section 3 and/or Article 101 TFEU regarding the participation in a secret collusion;

“Member State” means a Member State of the European Union;

“Minister” means the Minister of Energy, Commerce and Industry.

Official Journal of
EU: L 119,
4.5.2016, p. 1

“personal data” has the meaning attributed to this term by paragraph 1 of article 4 of Regulation (EU) 2016/679 and subsection (1) of section 2 of the Protection of Natural Persons with regard to the Processing of Personal Data and for the Free Movement of such Data Law ;

125(l) of 2018
26(l) of 2022.

“product” means any good or service;

“Regulation (EC) No. 1/2003” means Council Regulation (EC) No. 1/2003 of 16 December 2002 on the implementation of the rules of competition laid down in Articles 81 and 82 of the Treaty as amended by Council Regulation (EC) No 487/2009 of 25 May 2009 on the application of Article 81 paragraph (3) of the Treaty to certain categories of agreements and concerted practices in the air transport sector and as further amended or replaced from time to time;

“Regulation (EU) 2016/679” means Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC, as further amended or replaced from time to time;

“Republic” means the Republic of Cyprus;

“Service” means the Service of the Commission provided for in subsection (1) of section 21;

“services” means the undertaking and performance of obligations of any kind, with the exception of the production and the supply of goods and includes professional services,

with the exception of the services provided to an employer under an employment contract;

“single title” means the single title provided in section 55;

“State” means the state, the municipalities or the civil communities;

“state monopoly” means an undertaking that is a monopoly in the market because of the exclusive rights conferred upon it by the state;

“TFEU” means the Treaty on the Functioning of the European Union;

“trade” means financial activity of any nature;

“turnover” means the aggregate worldwide turnover of an undertaking or association of undertakings and relates to all of its economic activities;

84(l) of 2021. “unclassified information” has the meaning attributed to the term by Security Regulations on Classified Information, Documents and Materials and Related Issues Law;

“Union Competition Law” means Articles 101 to 109 of the TFEU and secondary legislation enacted thereunder;

“undertaking” means the body exercising financial activity, irrespective of its legal status and its method of finance;

PART II

CONTROL AND SUPPRESSION OF RESTRICTIVE COMPETITION COLLUSIONS AND PRACTICES

Prohibition of
collusions
restricting
competition.

3.–(1) Subject to the provisions of sections 4 and 5, agreements between undertakings, decisions of associations of undertakings and any concerted practices having as their object or effect the obstruction, restriction or distortion of competition within the Republic, shall be prohibited, and in

particular those which-

- (a) directly or indirectly fix purchase or selling prices or any other trading conditions;
- (b) limit or control production, markets, technical development or investments;
- (c) share markets or sources of supply geographically or otherwise;
- (d) apply dissimilar conditions to equivalent transactions with other trading undertakings, thereby placing them at a competitive disadvantage;
- (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 relation with the subject of such contracts.

(2) Agreements, decisions and concerted practices falling within the scope of the provisions of subsection (1) and which do not fulfil the conditions of the provisions of sections 4 and 5 are void ab initio, with no requirement of a prior relevant decision being issued by the Commission.

Collusions falling within the scope of section 3(1) and are permissible and valid.

4.-(1) Any agreement, decision or concerted practice, falling within the scope of subsection (1) of section 3, shall be permissible and shall be valid with no requirement of a prior relevant decision being issued by the Commission, if all of the following requirements are cumulatively met:

- (a) It contributes to improving the production or distribution of products or to promoting technical or economic progress, while allowing consumers a fair share of the resulting benefit;

(b) it does not impose on the undertakings concerned restrictions which are not indispensable to the attainment of these objectives and

(c) it does not afford such undertakings the possibility of eliminating competition in respect of a substantial part of the product in question.

(2) The burden of proving that a collusion is permissible and valid pursuant to subsection (1) lies with the undertaking or association of undertakings invoking the said subsection.

Exemptions from the scope of application of section 3.

5.-(1) The Council of Ministers may, following a reasoned opinion of the Commission, issue Orders to be published in the Official Gazette of the Republic, which declare that the provisions of section 3 shall not apply to certain categories of collusions.

(2) In the case of collusions to which this Law applies and the Union competition law does not apply, the provisions of European Union Regulations issued pursuant to paragraph 3 of Article 101 TFEU shall apply, *mutatis mutandis*, to the extent that there is no contradictory provision in an Order made pursuant to subsection (1) and in such case, the collusions are deemed to be permitted and valid pursuant to the European Regulation regulating the same category of collusions within the framework of the Union competition law.

(3) (a) The burden of proving that a collusion does not fall within the scope of the application of section 3, pursuant to an Order issued under subsection (1), lies with the undertaking or association of undertakings invoking the said Order.

(b) The burden of proving that a category of collusions is permitted and valid under the European Regulation mentioned subsection (2) lies with the undertaking or association of undertakings invoking the said European Regulation.

(4) (a) The Commission may decide that a collusion in relation to which an Order issued pursuant to subsection (1) is invoked, does not fall within a category of collusions in respect of which the said Order declares that the provisions of section 3 shall not apply:

Provided that, for the duration of the validity of such decision of the Commission, the collusion concerned shall fall within the scope of the application of section 3 and shall be subject to the prohibition and invalidity provided in the said section.

(b) The Commission may decide that a collusion in relation to which a European Regulation is invoked according to subsection (2), does not fall within the category of collusions governed by the Regulation within the Union competition law framework:

Provided that, for the duration of the validity of such decision of the Commission, the collusion concerned shall fall within the scope of the application of section 3 and shall be subject to the prohibition and invalidity provided in the said section.

(5) An Order issued pursuant to the provisions of subsection (1) shall come into operation on the day it is published in the official Gazette of the Republic, unless otherwise provided in such Order.

Abuse of a dominant position or economic dependence.

6.—(1) Any abuse by one or more undertakings of its or their dominant position in the whole or part of the national market relating to a product, is prohibited and such abuse may, in particular, consist in-

(a) directly or indirectly imposing unfair purchase or selling prices or other unfair trading conditions;

- (b) limiting production or markets or technical development, to the prejudice of consumers;
- (c) applying dissimilar conditions to equivalent transactions with other trading undertakings, thereby placing them at a competitive disadvantage;
- (d) making 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 relation with the subject of such contracts.

(2)(a) Any abuse by one or more undertakings of a relation of economic dependence of another undertaking acting as a customer, supplier, producer, representative, distributor or trading partner, even with respect to a specific type of goods or services is prohibited, where the latter has no equivalent alternative solution.

(b) Abuse of a relation of economic dependence may, in particular, consist of the imposition of arbitrary trading terms, discrimination in treatment or the sudden and unjustified termination of long standing trading relations.

Exemptions from the scope of application of this Law.

7.-(1) The provisions of this Law shall not apply to–

- (a) agreements relating to wages and terms and conditions of employment;
- (b) undertakings entrusted with the operation of services of general economic interest or having the character of a revenue-producing monopoly, in so far as the application of such rules obstructs the performance, in law or in fact, of the particular tasks assigned to them by the State.

(2) For the purposes of paragraph (b) of subsection (1), it is presumed that the application of the provisions of this Law obstructs the performance in law or in fact of the particular functions of the said undertakings when there is no financial or technical way available to these undertakings, which is compatible with the provisions of this Law, that allows the performance of the particular functions assigned to these undertakings by the State.

(3) The burden of proving that agreements or undertakings do not fall within the scope of application of this Law, pursuant to subsection (1) lies with the undertakings or association of undertakings invoking the said subsection.

PART III

COMMISSION FOR THE PROTECTION OF COMPETITION

Commission for
the Protection of
Competition.

8. (1) An independent Commission called ‘the Commission for the Protection of Competition’ is established, whose composition, function, responsibilities, powers and duties are set out in this Law.

(2) The Commission has the necessary financial, technical and technological resources, as well as adequate, specialised staff and to this effect, has a legal and financial support department, aiming at the effective performance of its duties, responsibilities and powers and active participation and contribution to relevant European and international organisations and in particular to the European Competition Network.

20(I) of 2014
123(I) of 2016
133(I) of 2016
159(I) of 2017.

(3) Without prejudice to the provisions of the Fiscal Responsibility and Financial Framework Law, the Commission

shall be independent as far as the allocation of the funds in its budget is concerned.

Composition and functioning of the Commission.

9.—(1) The Commission shall be composed of five members and shall consist of the Chairman and four (4) other members appointed by a decision of the Council of Ministers, following a proposal by the Minister, with the latter having already notified the Parliamentary Committee on Energy, Commerce, Industry and Tourism.

(2)(a) Subject to the provisions of paragraph (b) and paragraph (c), the persons appointed as Chairman and members of the Commission shall be individuals of a high professional and moral standing, who are in a position to perform the duties assigned and exercise the powers conferred to them under the provisions of this Law and are capable of contributing to the fulfilment of its purposes.

(b) The position of Chairman of the Commission shall be filled by a person who is a practising advocate for a period of ten (10) years or serving or having served as a judge of any rank.

(c) Persons appointed as members of the Commission shall be renowned for their scientific expertise, professional capabilities and experience in the legal and/or economic sector, especially on issues of competition:

Provided that at least one (1) of the four (4) members of the Commission shall be a distinguished professional with scientific expertise and professional competence and experience in the economic sector.

(d) No person shall be appointed as Chairman or member of the Commission if such person-

(i) has been declared bankrupt or for whom an order has been issued for the appointment of a trustee in bankruptcy/syndic or

has come into an arrangement with his creditors;

(ii) has been declared in a state of insanity or suffering from dementia;

(iii) has been convicted of an offence involving dishonesty or moral turpitude which constitutes an impediment to the appointment in the public service or has been sentenced to imprisonment for the commission of any offence;

(iv) is unable to perform his duties due to mental or physical incapacity or disability or illness;

(v) has acquired or maintains an economic or other interest which may influence his impartial judgement while exercising his duties;

(vi) is a member of a trade union.

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2022.

(e) The Chairman and other four (4) members of the Commission shall serve on a full time status.

(3) The Chairman and members of the Commission shall serve for a term of office of five years, renewable once, subject to the provisions of subsection (2).

(4)(a)(i) Where the office of the Chairman or other member of the Commission becomes vacant prior to the expiration of his term of office, the Council of Ministers shall, following a proposal by the Minister, appoint a new Chairman or other member for the remaining term of office of the Chairman or other member whose office has become vacant, as the case may be, subject to the provisions of subsection (2).

(ii) The term of office of the Chairman or other member of the Commission appointed pursuant to this paragraph, may be renewed twice, provided the initial appointment of the

Chairman or other member was for a period less than two (2) years and six (6) months.

(b) Any vacancy in the office of the Chairman or any other member of the Commission shall not affect the legal constitution of the Commission and the exercise of its responsibilities, powers and duties.

(c) If the office of Chairman becomes vacant prior to the expiration of the Chairman's term of office, the Commission shall continue functioning with the remaining members until a new Chairman is appointed, according to paragraph (a).

(5) Where:

(a) the Chairman is temporarily unable to exercise his duties for any reason or

(b) the office of the Chairman is vacant, pending the appointment of a new Chairman,

the Chairman shall be replaced by a member of the Commission elected amongst the members participating in the meeting and in case of an equality of votes, the most senior member shall act as Chairman.

(6) Any flaw concerning the appointment of the Chairman or any other member of the Commission shall not affect the legal constitution of the Commission and the exercise of its responsibilities, powers and duties.

Impartiality and independence of the Chairman and members of the Commission.

10.-(1) The Chairman and the members of the Commission shall be prohibited from having any economic or other interest which may affect their impartial judgement in the exercise of the responsibilities, powers and duties of the Commission pursuant to this Law and to any other law on the basis of which powers and responsibilities are conferred upon the Commission.

(2) The Chairman and the members of the Commission while performing their duties and exercising their powers within the scope of the provisions of this Law and Article 101 TFEU and/or Article 102 TFEU and any other Law pursuant to which powers and responsibilities are granted to the Commission-

(a) shall not seek or receive orders from a state or any other public or private body;

(b) shall act independently of any political or external interference;

(c) shall abstain from any act that is inconsistent with the performance of their duties and/or the exercise of their powers in applying the provisions of this Law and of Article 101 TFEU and/or Article 102 TFEU and of any other Law pursuant to which powers and responsibilities are granted to the Commission.

(3) After leaving their office in the Commission, the Chairman and the members shall not be involved in procedures concerning this Law and any other Law pursuant to which powers and responsibilities are granted to the Commission, where such procedures relate to cases in which they participated in taking decisions and that includes cases that are before the Commission for re-examination or revocation.

(4) Without prejudice to the provisions of subsection (3) and subject to the provisions of the Control of Employment in the Private Sector by Former Government Officials and Certain Former Employees of the Public and Greater Public Sector Law, the Chairman and other members shall not, for a period of two (2) years after leaving their office in the Commission, be involved in procedures concerning this Law and any other Law pursuant to which powers and responsibilities are granted to the Commission, which could lead to a conflict of interests.

114(I) of 2007
149(I) of 2017
87(I) of 2017
66(I) of 2019.

3 of 169(I) of
2022.

(5) The Commission shall publish, following the approval of the Parliamentary Committee on Energy, Commerce, Industry and Tourism a code of conduct, concerning the rules on conflict of interests of the Chairman and the members, according to the provisions of this section.

Remuneration,
terms of
employment and
other benefits of
the Chairman
and members of
the Commission.

11. (1) The Council of Ministers shall determine, by a decision to that effect, the terms of employment, remuneration and other benefits of the Chairman and the other members of the Commission.

(2) The Council of Ministers shall not adversely vary the terms of employment, remuneration and other benefits determined pursuant to subsection (1), during a member's term of office in the Commission in relation to whom such terms of employment, remuneration and other benefits were so determined.

Working hours of
the Chairman
and members of
the Commission.

12. The Chairman and the members of the Commission shall follow the working hours of the public sector officers as determined by the Council of Ministers from time to time.

Prohibition of
private
employment of
the Chairman
and members of
the Commission.

13. The Chairman and the members of the Commission shall not be allowed to practice any profession or to exercise any occupation or be involved in any business of any nature or to accept payment for any kind of employment beyond their duties.

Vacancy of
office.

14.-(1) The office of the Chairman or other member of the Commission shall be vacated upon–

- (a) expiration of his term of office; or
- (b) his death; or
- (c) his resignation according to the stipulations of subsection (2); or

- (d) an impediment to the exercise of his duties for a period exceeding six (6) months; or
- (e) his disqualification by the Council of Ministers as stipulated in subsection (3).

(2) The Chairman or other member of the Commission may submit in writing his resignation from office, to the Council of Ministers, with immediate effect, with no requirement for prior acceptance by the Council of Ministers and such resignation cannot be withdrawn.

(3) (a) The Council of Ministers may disqualify the Chairman or other member of the Commission in case-

- (i) he has been declared bankrupt or an order has been issued for the appointment of a trustee in bankruptcy/syndic or he has made an arrangement with his creditors;
- (ii) he has been declared in a state of insanity or dementia;
- (iii) he has been convicted of an offence involving dishonesty or moral turpitude which constitutes an impediment to the appointment in the public service or has been sentenced to imprisonment for the commission of any offence;
- (iv) he becomes unable to perform his duties due to mental or physical incapacity or disability or illness, whether permanently or for such period of time that continuing his service is no longer possible;
- (v) he has acquired or maintained an economic or other interest which may influence his impartial judgement and has not submitted his resignation;

(vi) a Court has ruled that he has abused his position in such a way, that by remaining in office would result in harm to the public interest;

(vii) he has been convicted of the offence of intentional breach of the obligation of confidentiality according to the provisions of section 40;

(viii) of a recommendation by the Commission, in the event of unjustified failure to perform his duties and in particular in case of absence without reason from three (3) consecutive meetings of the Commission;

(ix) a Court has ruled that he has acted following a political or other external intervention while exercising his duties;

(x) he is in breach of the provisions of section 13.

(b) Prior to the disqualification of any person pursuant to paragraph (a), the Council of Ministers shall give that person the opportunity to submit his views and in such case, subsections (3), (4) and (6) of section 43 of the General Principles of Administrative Law shall apply.

158(l) of 1999
99(l) of 2014
28(l) of 2020.

Powers of the
Chairman of the
Commission.

15. The Chairman convenes the meetings of the Commission according to section 16 and presides as chairman and subject to subsection (3) of section 17, signs any other important document.

Convening a
meeting.

16.–(1)(a) The Chairman may, whenever he thinks fit, convene a meeting of the Commission.

(b) In the event that at least three (3) members of the Commission so request in writing specifying at the same time the matters to be discussed, the Chairman shall be bound to convene a meeting as soon as possible and in any case, within a period of seven (7) days.

(2) Invitation to a meeting shall be in writing and shall be addressed to the members of the Commission by electronic, digital or other appropriate means.

(3) The meeting's agenda shall be drawn up by the Chairman and shall be communicated along with the invitation to the meeting:

Provided that, in extraordinary and justified cases and following a decision by the Commission, a matter that was not included in the agenda may be raised for discussion either by the Chairman or by any other member of the Commission.

Quorum and decisions.

17.–(1) Subject to the provisions of paragraph (c) of subsection (4) and subsection (5) of section 9, the Commission shall be duly in session if at least three (3) members are present.

(2) Decisions of the Commission shall be taken by majority and, in the event of equality of votes, the Chairman or the member presiding shall have the casting vote.

(3) The Chairman and the members of the Commission who are present at the meeting shall sign the minutes and decisions of the Commission.

Rules governing the investigation procedure of possible infringements of the provisions of sections 3 and/or 6 and Article 101 TFEU and/or Article 102 TFEU.

18.–(1) The Commission shall decide to initiate proceedings for the investigation of an infringement, if following a proper preliminary investigation conducted by the Service, a possible infringement of the provisions of sections of the provisions of sections 3 and/or 6 and Article 101 TFEU and/or Article 102 TFEU is found.

(2) (a)(i) The Commission shall draft a written report to inform the undertakings or association of undertakings of the objections made against them, accompanied by supporting

data or documents, subject to the provisions of sections 40 and 41.

(ii) The said statement of objections shall be communicated to them or to a person duly authorised by these undertakings or association of undertakings, in any manner a summons might be issued pursuant to the provisions of section 64.

(b) Subject to the provisions of sections 40 and 41, a copy of the said statement of objections may be communicated to the person filing the complaint, pursuant to the provisions of section 64:

Provided that, failure to communicate a copy of the statement of objections to the person filing the complaint shall not affect the legality of the procedure before the Commission.

(3) In the event of a change in the existing information before the Commission or new information arising, the Commission may amend the objections raised against the undertakings or associations of undertakings involved and proceed to the preparation and notification of an amended statement of objections to the undertakings or associations of undertakings involved.

(4) During the course of the proceedings before the Commission for the investigation of possible infringements or for the investigation of complaints submitted pursuant to this Law, or for any other proceedings envisaged by this Law and/or the Regulations made thereunder, the following shall be allowed to be present-

(a) following an invitation by the Commission-

(i) the persons who filed the complaint in person or through an advocate duly appointed or a representative, or the

persons who filed the complaint personally together with the advocate duly appointed or representative,

(ii) the persons involved in the procedure and/or complaint, personally or through an advocate duly appointed or a representative, or personally together with the advocate duly appointed or representative,

(iii) any person who, in the opinion of the Commission, could help with the investigation of the infringement and/or complaint, personally or through an advocate duly appointed or a representative, or personally together with the advocate duly appointed or representative;

(b) any member of staff serving in the Service, individuals employed in the Commission on the basis of contracts for the provision of services and/or any other status and individuals posted or seconded to the Commission:

Provided that, the abovementioned shall also apply, *mutatis mutandis*, to procedures initiated *ex officio* by the Commission for infringements of the provisions of sections 3 and/or 6 and of Article 101 TFEU and/or Article 102 TFEU.

It is further provided that, the persons mentioned in paragraphs (a) and (b), excluding the person who serves as secretary, shall exit before the commencement of discussions of the Commission for the conclusion of a decision.

(5) All persons invited to appear under paragraph (a) of subsection (4) shall be given reasonable time, which may be extended if justified under the circumstances.

(6) (a) All persons appearing as provided in paragraph (a) of subsection (4), shall be granted every possible opportunity to submit written observations within a set reasonable time-limit, which may be extended if justified under the circumstances.

(b) The Commission shall not be bound to consider written observations submitted after the expiration of the set time-limit.

(c) Written observations shall be submitted in printed as well as in digital form, which may be processed.

(7) When submitting written observations, the persons appearing referred to in subsection (4), shall precisely identify, in accordance with the provisions of section 41, any business secrets and/or confidential information and/or personal data, justifying their views on each of them and shall communicate their observations to the Commission as well as to the parties involved, which include an essential summary description of each deleted part in non-confidential form and/or by pseudonymisation.

(8) The information, documents and parts of documents for which no reasoned declaration of business secrets and/or confidential information, in accordance with the provisions of subsection (7), has been submitted or for which no separate non confidential version has been submitted, shall not be considered as business secrets or confidential information, unless the Commission, exceptionally in its discretion shall classify such information, documents and/or parts of documents as business secrets or confidential information.

(9) Where an undertaking or association of undertakings or any person to whom the statement of objections or copy thereof

was communicated, fails and/or refuses to submit any written observations within the set time-limit, the Commission may proceed to issue a decision on the alleged infringements contained in the statement of objections.

(10) (a) Persons mentioned in paragraph (a) of subsection (4) that are called to appear, have the right, within the context of their written elaboration relating to their case, to request that they develop their arguments in the course of oral proceedings before the Commission.

(b) The Commission may approve or reject such request and may, in its decision, set a time-limit for the elaboration of arguments of the persons called in the context of oral proceedings before it.

Rules governing the investigation procedure before the Commission of other possible infringements of the provisions of this Law.

19. (1) Notwithstanding the investigation of possible infringements of the provisions of sections 3 and/or 6 and of Article 101 TFEU and/or Article 102 TFEU, the Commission may decide to initiate an investigation into other infringements of the provisions of this Law and to this effect it communicates, according to the provisions of section 64, to the person involved the reasons for which it considers that an infringement of the provisions of this Law is possible.

(2) In the course of investigation procedures before the Commission for other possible infringements according to subsection (1), the provisions of subsections (4) to (10) of section 18, shall correspondingly apply.

Decisions of the Commission.

20.-(1) The decisions of the Commission shall be issued within reasonable time, the determination of which shall depend on the special circumstances at the time.

(2) Subject to the provisions of sections 40 and 41, the reasoned decisions of the Commission shall be communicated

to every natural or legal person or body involved and with the exception of final decisions issued pursuant to subsections (5), (6) and (7) of section 44, shall be published in the Official Gazette of the Republic and on the Commission's website.

(3) The Commission, subject to the provisions of Regulation (EU) 2016/679 and the Law providing for the Protection of Natural Persons with regard to the Processing of Personal Data and for the Free Movement of such Data, shall ensure that the publication of its decisions shall be made without the disclosure of personal data of natural persons, except in cases where the Commission considers that such publication is absolutely necessary and proportionate to the attainment of the purpose pursued.

(4) Subject to the provisions of subsection (1), decisions of the Commission shall come into operation on the date they are communicated to the person concerned:

It is provided that, irregularities in the notification or publication shall not affect the validity of the decision.

(5) Decisions of the Commission shall be subject to judicial review, pursuant to Article 146 of the Constitution and the Commission shall participate as an adversary before the Court and shall have the same rights as the parties to the said proceedings.

PART IV

SERVICE OF THE COMMISSION FOR THE PROTECTION OF COMPETITION

Service of the
Commission.

21.–(1) The Service of the Commission shall have the staff, shall function and have the responsibilities determined by the provisions of this Law.

(2)(a) Members of staff of the Service, including its Director, shall be members of the public service and shall be appointed pursuant to the provisions of the Public Service Law.

1 of 1990
71 of 1991
211 of 1991
27(l) of 1994
83(l) of 1995
60(l) of 1996
109(l) of 1996
69(l) of 2000
156(l) of 2000
4(l) of 2001
94(l) of 2003
128(l) of 2003
183(l) of 2003
31(l) of 2004
68(l) of 2005
79(l) of 2005
105(l) of 2005
96(l) of 2006
107(l) of 2008
137(l) of 2009
194(l) of 2011
78(l) of 2013
7(l) of 2014
21(l) of 2014
100(l) of 2015
148(l) of 2017
151(l) of 2017
152(l) of 2017
98(l) of 2020
136(l) of 2020
1(l) of 2022
113(l) of 2022
120(l) of 2022.

(b) The Director of the Service shall designate a member of the staff of the Service to act as Secretary of the Commission.

(3) Notwithstanding the provisions of the Public Service Law, in the event the Service is abolished, the members of its staff shall be incorporated in the personnel of the Ministry of Energy, Commerce and Industry or any other Ministry or independent service, without any change in their terms and conditions of service, although their duties may vary.

(4) Persons who, on the date of entry into force of this Law, are members of the Service contemplated by subsection (1) of section 15A of the Protection of Competition Laws 1989 to (No. 2) of 2000 or the Service contemplated by section 19 of the Protection of Competition Laws of 2008 and 2014, shall, as

207 of 1989
111(l) of 1999
87(l) of 2000
155(l) of 2000.
13(l) of 2008
41(l) of 2014.

from the aforementioned date, be considered as members of the Service which is provided by subsection (1), without prejudice to their terms of service, seniority, appointment or promotion or their retirement benefits.

(5) Members of staff of the Service, persons working in the Commission on the basis of contracts for the provision of services and/or any other status and persons who are posted or seconded to the Commission, shall be allowed to be present in the meetings and/or the proceedings before the Commission and to facilitate in any possible way the performance of its responsibilities, powers and duties and subject to the paragraph (b) of subsection (4) of section 18, their presence shall not affect the validity of the decisions of the Commission.

(6) Members of staff of the Service, persons working in the Commission on the basis of contracts for the provision of services and/or any other status, and persons who are posted or seconded to the Commission, after leaving their post at the Commission, shall not be engaged in procedures under the provisions of this Law and of Article 101 TFEU and Article 102 TFEU and any other law on the basis of which powers and responsibilities are given to the Commission, which concern cases in which they participated in the proper preliminary investigation, including those which are before the Commission for review or revocation:

Provided that, regarding members of staff of the Service falling within the scope of the Control of Employment in the Private Sector by Former Government Officials and Certain Former Employees of the Public and Greater Public Sector Law, the above shall apply without prejudice to the said Law.

(7) Subject to the provisions of subsection (8), the Director of the Service shall be the head of the administration and shall be responsible for the Service.

(8) For the purposes of the Public Service Law, the Chairman shall be the competent authority, who shall usually act, through the Director of the Service.

(9) The Secretary of the Commission shall be present in the meetings of and/or the proceedings before the Commission and shall keep the minutes.

Unpaid internship program

22.-(1) Notwithstanding the provisions of any other Law or Regulations or Orders issued pursuant thereto or European Union law, the Commission may set up an unpaid internship program so that the persons interested, gain experience and knowledge on the application of Union and national competition law and to that end the Commission may issue and publish any relevant internal regulations.

(2) Persons employed in the internship program pursuant to the provisions of subsection (1), shall be under the same duty of confidentiality, according to the provisions of section 40.

Responsibilities of the Service.

23.-(1) The Service shall be responsible to-

- (a) carry out secretarial work of the Commission;
- (b) keep the Registers referred to in section 25;
- (c) collect and examine information as well as take statements and information that are necessary for the exercise of the responsibilities, powers and duties of the Commission envisaged by this Law;
- (d) introduce complaints, prepare report on the findings following the proper preliminary investigation and submit it, as well as to submit recommendations to the Commission;
- (e) effect the necessary notifications and publications provided in this Law;

- (f) prepare and submit to the Commission a recommendation report on business secrets or confidential information and/or the necessity to disclose personal data, subject to the provisions of section 40;
- (g) prepare and submit a recommendation report for the purposes of a preliminary assessment by the Commission, regarding commitments of undertakings or associations of undertakings, according to the provisions of section 30;
- (h) provide to the Commission any possible assistance for the fulfilment of its responsibilities, powers and duties.

Informing the Minister of possible infringements of the consumer's protection legislation.

24. Where during the course of or as a result of the investigation of a case concerning possible infringement of sections 3 and/or 6 and Article 101 TFEU and/or Article 102 TFEU, following a complaint or ex officio and/or in economic sectors or types of agreements pursuant to the provisions of section 31, it is ascertained or a reasonable suspicion is raised that a possible infringement of the law relating to consumers protection has occurred, the Commission shall inform the Minister in writing, through the Service.

Maintaining Registers.

25.-(1) The Service shall be responsible for keeping a register of complaints and ex officio investigations of the Commission, where all complaints submitted pursuant to section 44 and all ex officio investigations of the Commission shall be registered.

(2) The Service shall be responsible for keeping a register of decisions on collusions or practices, where the following shall be registered-

- (a) decisions of the Commission on matters pertaining to the provisions of sections 3 and/or 6 and/or Articles 101 TFEU and/or 102 TFEU;

(b) decisions of the Supreme Court and the Administrative Court on the matters specified in paragraph (a).

(3) Registers kept according to the provisions of this section shall be public, subject to-

(a) the obligation to safeguard the business secrets and/or confidential information of the undertakings or associations of undertakings and/or the persons who filed complaints and/or of third parties;

(b) the protection of personal data, according to the provisions of Regulation (EU) 2016/679 and the Protection of Natural Persons with regard to the Processing of Personal Data and for the Free Movement of such Data Law.

(4) The Service shall be responsible for keeping the following registers, which shall not be public and shall be protected as business secrets or confidential information and access to them shall be restricted:

(a) Register of applications for granting a priority number for the submission of application for immunity or reduction of administrative fine;

(b) register of applications for immunity from and reduction of administrative fines;

(c) register of summary applications for immunity from and reduction of administrative fines;

PART V – RESPONSIBILITIES OF THE COMMISSION AND IMPLEMENTATION OF COMPETITION LAW

Responsibilities
of the
Commission.

26.–(1) The Commission constitutes the independent Competition Authority of the Republic for the implementation of Articles 101 TFEU and 102 TFEU, according to the provisions of Article 5 of Regulation (EC) No. 1/2003.

(2) Subject to the provisions of Regulation (EC) No. 1/2003, the Commission shall have the following responsibilities:

- (a) To decide, following a proper investigation, on infringements of the provisions of sections 3 and/or 6 either on its own initiative or following a complaint;
- (b) to decide whether illegal collusions envisaged by subsection (1) of section 3 fulfil the conditions of subsection (1) of section 4;
- (c) to decide whether a collusion in relation to which an Order issued pursuant to subsection (1) of section 5 is invoked, falls within a category of collusions in respect of which the said Order declares that the provisions of section 3 shall not apply;
- (d) to decide whether a collusion in relation to which a European Regulation according to subsection (2) of section 5 is invoked, falls within the category of collusions the European Regulation governs within the Union Competition Law framework;
- (e) to decide whether an agreement or undertaking does not fulfil the conditions of subsection (1) of section 7;
- (f) to decide, following a proper investigation, on infringements of Articles 101 TFEU and/or 102 TFEU, either following a complaint or on its own initiative or as otherwise provided by Regulation (EC) No. 1/2003;
- (g) to decide whether the collusions falling within the provisions of paragraph 1 of Article 101 TFEU may be permitted and considered valid, according to

paragraph 3 of Article 101 TFEU or pursuant to *European* Union secondary legislation for the implementation of paragraph 3 of Article 101 TFEU on a category of collusions;

- (h) to impose administrative fines and administrative sanctions, as provided in the provisions of this Law and/or Regulations made thereunder;
- (i) to decide on interim measures in cases envisaged by the provisions of section 34;
- (j) to withdraw the benefit of the application of an exemption Regulation issued by the European Commission in respect of a specific collusion, when the distinct geographic market is the Cyprus market, by applying the provisions of Article 29 of Regulation (EC) No. 1/2003;
- (k) to issue announcements, recommendations and guidelines providing information to any interested party with respect to matters within its competence and procedures before it;
- (l) to issue announcements regarding the protection of personal data informing all these data subjects of its functions which include the collection and processing of their personal data;
- (m) to provide an opinion on issues within its competence to any public body:

Provided that, the opinion given shall not be binding on the Commission as to the content of its subsequent decision and shall not affect the validity of such decision;

- (n) to decide on commitments in accordance with the provisions of section 30;

- (o) to conduct investigations in a specific sector of the economy or on specific types of agreements in accordance with section 31;
- (p) to determine by issuing a decision, the priority criteria for executing its responsibilities and powers concerning the application of sections 3 and/or 6 and Article 101 TFEU and/or Article 102 TFEU pursuant to the provisions of section 27 and to examine cases as a matter of priority on the basis of these criteria;
- (q) to exercise any other competence granted to it by this Law or Regulations made thereunder or national and/or European Union legislation.

73(l) of 2016
205(l) of 2020
74(l) of 2022.

(3) Subject to the provisions of the Law for the Regulation of Procurement Procedures and related matters, the Commission may-

- (a) directly obtain services on issues relating to the exercise of its powers and responsibilities pursuant to this Law and the execution of its duties or the training of the staff of the Service to this effect, and
- (b) enter into contracts for the provision of services for the aforementioned purposes, following a procedure determined by the Commission.

(4) The Commission in exercising its duties, powers and responsibilities pursuant to the provisions of this Law, in implementing this Law and/or Article 101 TFEU and/or Article 102 TFEU and/or application of 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:

Provided that the Commission may, pursuant to the provisions of points (e) and (h) of paragraph 1 of Article 23 of Regulation (EU) 2016/679, while respecting the principles of proportionality and necessity, in exercising its powers and responsibilities pursuant to the provisions of paragraphs (a) to (p) of subsection (2) and the provisions of sections 18 and 19, limit the scope of application of the obligations and rights envisaged by articles 12 to 14, 15, 17 and 18 of Regulation (EU) 2016/679 as well as the principle of transparency that is envisaged by the point (a) of paragraph 1 of Article 5 of the said Regulation, especially for the purpose of safeguarding the means of investigation and methods used, mutual assistance and cooperation with the European Commission and/or the Competition Authorities, pursuant to the provisions of this Law and/or the Articles 11 to 16 and 22 of Regulation (EC) No. 1/2003 or the rights and freedoms of other data subjects.

Establishing examination criteria for priority execution of the responsibilities and powers of the Commission.

27. (1) The Commission shall, pursuant to its decision which will be published in the Official Gazette of the Republic, notify the criteria to be taken into consideration for priority execution of its powers and responsibilities regarding the application of the provisions of sections 3 and/or 6 and Article 101 TFEU and/or Article 102 TFEU, as well as its strategic targets.

(2) The decision of the Commission mentioned in subsection (1) shall be issued following a public consultation, taking into consideration, particularly, the public interest, any possible impact on competition and/or the consumers and the limitation periods specified in section 49.

(3) The Commission may amend its decision issued pursuant to subsection (1), whenever it deems necessary.

(4) The Commission may dismiss complaints submitted pursuant to the provisions of section 44, if it considers that these do not constitute a priority for the implementation of the provisions of sections 3 and/or 6 and of Article 101 TFEU and/or Article 102 TFEU.

Cooperation with other authorities

28. – (1) The Commission may cooperate with the regulatory or other authorities, to which responsibilities in respect of specific sectors of the economy of the Republic have been assigned and provide assistance to them, if requested.

(2) The Commission may ask for the contribution of the aforementioned regulatory or other authorities, in exercising its responsibilities pursuant to the provisions of section 26 and may exchange information with them.

(3) The Commission may sign cooperation protocols with regulatory or other authorities of the Republic or other national Competition Authorities, in relation to its responsibilities under the provisions of section 26.

Powers of the Commission where infringement of the provisions of sections 3 and/or 6 and/or Articles 101 TFEU and/or 102 TFEU is ascertained.

29. The Commission may decide to take the following measures if it has ascertained that an infringement of the provisions of sections 3 and/or 6 and Article 101 TFEU and/or Article 102 TFEU is committed by undertakings or associations of undertakings:

(a) impose an administrative fine, depending on to the gravity and duration of the infringement, as envisaged by section 47;

(b) oblige the undertakings or associations of undertakings involved to end the infringement that was ascertained, within a set timeframe, and to refrain from repeating the same in the future:

Provided that, in case the infringement is brought to an end before the issuing of its decision, the Commission may condemn the undertakings or associations of undertakings involved with a declaratory decision;

- (c) impose conditions and rectifying behavioural measures or measures of structural character, proportionate to the infringement committed, that are necessary to bring such infringement effectively to an end:

Provided that in choosing between two (2) equally effective measures, the Commission shall choose the one that is the least burdensome for the undertaking or the association of undertakings, having regard to the principle of proportionality.

Commitments

30.-(1)(a) In case the Commission intends to issue a decision demanding that the infringement of the provisions of sections 3 and/or 6 and Article 101 TFEU and/or Article 102 TFEU is brought to an end and the undertakings or associations of undertakings involved are willing to undertake commitments to meet the concerns expressed by the Commission in its preliminary assessment, the Commission may make those commitments binding upon the undertakings or associations of undertakings involved, provided such commitments are deemed satisfactory.

(b) The decision of the Commission-

(i) may be issued for a specified time period and

(ii) provides that there are no longer grounds for further action to be taken.

(2) Prior to issuing its decision pursuant to the provisions of subsection (1), the Commission may request the views of market participants.

(3) The Commission may impose on the undertakings and associations of undertakings involved, measures monitoring the implementation of the commitments which have become binding pursuant to the provisions of subsection (1).

(4) The procedures provided under the provisions of subsections (4) to (8) of section 18 shall apply to the examination of a decision on commitments.

Power to conduct investigations in sectors of the economy or types of agreements.

31.-(1) Subject to the provisions of sections 36 to 39, the Commission may, where the course of commercial transactions, price rigidity or other circumstances give rise to suspicions of a possible restriction or distortion of competition in the Republic, conduct an investigation into a specific sector of the economy or specific types of agreements in various sectors.

(2)(a) During the course of the investigation mentioned in subsection (1), the Commission may request any information required for the implementation of the provisions of sections 3 and/or 6 and Article 101 TFEU and/or 102 TFEU, and conduct any necessary inspection for this purpose.

(b) The Commission may in particular request the undertakings or associations of undertakings to communicate to it any agreement, decision or concerted practice.

(3) The Commission may publish a report on the results of its investigation in specific sectors of the economy or specific types of agreements in various sectors and communicate its observations and/or recommendations to the competent Ministries or Departments or Organisations.

(4) The Commission may use the information obtained in the course of the investigation referred to in subsection (1) in the investigation of possible infringements of the provisions of sections 3 and/or 6 and of Article 101 TFEU and/or Article 102 TFEU.

Type of procedure and admissibility of evidence.

32.-(1) Proceedings before the Commission, in the exercise of its duties and responsibilities as defined by the provisions of sections 18, 19, 26, 29, 30, 31 and 34, shall be of an interrogative and/or investigative nature and the Commission may submit questions, request clarifications and explanations from the parties involved, order the production of evidence, call witnesses and determine matters in dispute for better implementation of the provisions of this Law.

(2) Evidence which may be admitted during the proceedings before the Commission, include documents, oral statements, emails, regardless of them appearing not to have been read or deleted, records, as well as any other object containing information, regardless of its form, the way information is recorded and the device/means where it is stored.

Revocation or amendment of a decision of the Commission.

33. Without prejudice to the provisions of the General Principles of Administrative Law, the Commission may, upon request or on its own initiative, revoke or amend any decision it has issued, in particular those issued pursuant to sections 29 or 30 or 34, in case where:

- (a) a substantial real fact on which its decision was based, has changed.
- (b) the terms, measures or commitments imposed by it or assumed by the parties under the decision issued have not been complied with.
- (c) the Commission's decision was based on information provided that was inaccurate, false,

incomplete or misleading or on the concealment of true information.

- (d) the undertakings or associations of undertakings involved fail and/or refuse to comply with the remedies imposed by the Commission in its decision.

Interim
measures.

34.–(1)(a) The Commission may order that interim measures are taken and impose such terms as it deems that are necessary in each case.

(b) The measures mentioned in paragraph (a), whether mandatory or prohibitory, shall not exceed what is absolutely necessary under the circumstances and shall apply either for a specific period of time, which may be extended if it is deemed necessary, or until a final decision is issued.

(2) The Commission shall act pursuant to the provisions of this section, whether acting on its own initiative or following an application of the interested parties and the said application may be made ex-parte or by summoning all undertakings or associations of undertakings involved, provided the following conditions are satisfied:

- (a) A reasonably strong prima facie case of infringement of section 3 and/or 6 and/or Articles 101 TFEU and/or 102 TFEU is founded,

- (b) there is a case of urgency due to a serious risk of irreparable harm to the competition.

(3)(a) An application for interim measures can be made ex parte by an interested party.

(b) The application shall only be accepted if accompanied by a complaint filed pursuant to the provisions of section 44 or

following such complaint or as long as it is submitted during a procedure before the Commission for infringement of the provisions of sections 3 and/or 6 and Article 101 TFEU and/or Article 102 TFEU and provided the interim measures that are sought are precisely specified in it.

(4) The Commission may in its decision for interim measures, demand that the applicant provides a guarantee for damages that may result to the undertaking or association of undertakings against which interim measures are ordered, in the event that no infringement is ascertained.

(5) The procedures provided in the provisions of subsections (4) to (8) of section 18 shall apply to the examination of a interim measures.

Advisory
Committee on
Restrictive
Practices and
Dominant
Positions.

35. The Commission shall participate in the meetings of the Advisory Committee on Restrictive Practices and Dominant Positions as provided in Regulation (EC) No.1/2003, represented by a member of the Commission or a member of staff of the Service, determined by the Commission.

PART VI

POWERS OF THE COMMISSION TO INVESTIGATE

Powers of the
Commission to
collect
information.

36.-(1) The Commission shall have the power to collect information that it considers necessary for the exercise of its responsibilities, powers and duties envisaged by this Law, as well as in the name of and on behalf of other Competition Authorities, by issuing a written proportionate request to that effect, which will be, to the undertakings, associations of undertakings or other natural or legal persons, or public or private bodies.

(2) The request of the Commission shall specify the information sought, the provisions of this Law or of Regulation (EC) No.

1/2003 upon which it is founded, the justification for the request, the timeframe reasonably set for the provision of the information which shall not be less than twenty (20) days and possible sanctions in case of non-compliance with the above obligation to provide information.

(3)(a) The person, undertaking or association of undertakings, public or private body to whom the request is addressed, is under an obligation to provide fully and accurately the information requested, in printed as well as in digital form, which may be processed, within the set timeframe.

(b) The obligation to provide all the necessary information extends to the information the person, undertaking or association of undertakings, public or private body, has access:

Provided that, public bodies may decline to provide the information sought, in case the provision of such information would be contrary to the provisions of European Union Law or any Law or Regulation or Order, issued thereunder aiming at the harmonisation with European Union Law.

(4)(a) Where the reply and/or the information provided by the person, the undertaking, the association of undertakings, the public or private body to whom the request is addressed, is incomplete, ambiguous or in need of further clarifications and/or investigation, the Commission may submit a new request addressed to the said person, undertaking, association of undertakings, public or private body in order to obtain all the information required and/or the necessary clarifications and/or explanations.

(b) The request envisaged by paragraph (a) shall specify the timeframe set within which the said information and/or

clarifications should be submitted, which shall not be less than seven (7) days, as well as the possible sanctions provided by section 47, in case of non-compliance with the above obligation.

(5) Where a request pursuant to subsections (2) or (4) is submitted-

- (a) all members of the management board or the board of administration or the committee handling the affairs of the legal person,
- (b) the general manager or director or the managing director of the legal person and
- (c) the persons who, by Law or under the articles of association, are authorised to represent companies or associations with no legal personality,

are under an obligation to fully and accurately provide all the information requested on behalf of the involved person, the undertaking or the association of undertakings or the private body, within the set timeframe:

Provided that, the above persons, in their reply to the request for information shall be under no obligation to admit an infringement of the provisions of sections 3 and/or 6 and of Article 101 TFEU and/or Article 102 exists.

(6) Duly authorised advocates or authorised representatives may provide on behalf of the persons mentioned in subsection (1) all the information requested:

Provided that, the responsibility to provide fully and in time the said information continues to lie entirely on the natural or legal persons who are under an obligation to provide information pursuant to the provisions of subsections (1) to (5).

(7) Information provided to the Commission, in the exercise of its powers under this section, may only be used for the purpose for which the information was sought, except where necessary for the implementation of Union competition law.

(8) Subject to European Union legislation, communication of information to the Commission, pursuant to the provisions of this Law and/or Regulation (EC) No. 1/2003, is not considered to be a violation of any restriction in the communication of information imposed by convention or legislative, regulatory or administrative provision and the person making the communication shall have no legal liability in relation thereto.

(9) The collection of information provided in this section and the relevant powers shall be carried out by members of staff of the Service and/or by the persons working at the Commission under a contract for the provision of services and/or any other status and/or by persons who are posted or seconded to the Commission.

Power to take statements.

37.-(1) The Commission may, while exercising its responsibilities, powers and duties under this Law, but also on behalf of other Competition Authorities, summon any legal or natural person, undertaking or association of undertakings, including a representative of an undertaking or association of undertakings, representatives of other legal persons or private body, as well as any natural person, for the purpose of taking statements and collecting information, so long as the aforementioned may possess information that is relevant to the application of the provisions of sections 3 and/or 6 and of Article 101 of the TFEU and/or Article 102 of TFEU.

(2) Interviews mentioned in subsection (1) shall be conducted by members of staff of the Service and/or authorised members of staff of the Competition Authorities.

(3) Interviews mentioned in subsection (1) may be carried out by any convenient means and the statements received from the above mentioned persons may be recorded in any form, provided such persons are informed accordingly.

(4) Prior to the commencement of the interview, the person to be interviewed is notified of the legal basis and the purpose of the interview, and is informed that the interview will be recorded and about the likely sanctions in case of intentionally or negligently providing false, incomplete, inaccurate or misleading information, or in case of refusing or omitting to comply with the summons or to provide the statement.

(5) A copy of the interview as recorded is given to the person who gave it, for the purpose of verifying its content, who shall then sign it and receive a copy thereof.

(6) Subject to European Union legislation, communication of information to the Commission, pursuant to the provisions of this Law and/or Regulation (EC) No. 1/2003, is not considered to be a violation of any restriction in the communication of information imposed by convention or legislative, regulatory or administrative provision and the person making the communication shall have no legal liability in relation thereto.

(7) Where the Commission exercises its competence under this section in the name of any other Competition Authority, it may request the payment of reasonable expenses, including administrative, labour and translation expenses.

Power of the Commission to carry out inspections at the premises of undertakings or associations of undertakings.

38.-(1) The Commission may, in the exercise of its responsibilities, powers and duties under this Law, but also in the name of other Competition Authorities, carry out all the necessary expected or unexpected inspections on undertakings or association of undertakings and to this end it has the power to-

(a) enter into any office, place, field and transport means of undertakings and associations of undertakings, excluding residences;

(b) inspect records, books, accounts as well as other files relating to the business activity, irrespective of how they are stored and have access to all the information to which the undertakings or associations of undertakings under inspection have access;

(c) receive or acquire in any form a copy or extract of records, books, accounts and other files relating to the business activity, irrespective of how they are stored and where these might be stored and, in case it is deemed necessary, to continue investigating into the information at the premises of the Commission or other designated places and to select copies or extracts thereof;

(d) seal any business spaces and records, books, accounts and other documents, for the duration and to the extent necessary for the inspection;

(e) question any representative or member of staff of the undertaking or association of undertakings and seek explanations about the true facts or documents relating to the subject-matter and purpose of the inspection and record the answers.

(2)(a) Inspections provided for in subsection (1) shall be carried out, and the relevant powers shall be exercised, upon a mandate of the Commission and following written authorisation, by members of staff of the Service and by authorised members of the personnel of the Competition Authorities.

(b) Where the Commission considers it necessary, the said officers shall be accompanied by other officers, that is, public

officers and/or officers of the wider public sector and/or persons with special knowledge who may be working in the Commission on the basis of contracts for the provision of services and/or any other status and persons who are posted or seconded to the Commission.

(3) Inspections mentioned in subsection (1), shall be undertaken following a written mandate of the Commission specifying the object and purpose of the inspection, its date of commencement, the provision upon which the power of the Commission is based and the likely sanctions pursuant to the provisions of section 47, in the event the undertaking or association of undertakings fails to comply with the Commission's mandate.

(4) Inspections are conducted without prior notice to the undertaking or association of undertakings involved, unless the Commission considers that giving notice will assist in the investigation.

(5) The undertaking or association of undertakings under inspection, may consult its lawyer or legal advisor during the inspection, but the presence of such a person is not a legal requirement affecting the validity of the inspection and/or does not constitute a defence for non-compliance and/or failure to comply fully with the Commission's mandate.

(6) Where it is deemed appropriate, the Commission shall seek the assistance of the Police, in order to carry out the inspection pursuant to the provisions of this section or as a precautionary measure.

(7) Any undertaking or association of undertakings which is subject to an inspection pursuant to this section and any person being questioned, or from whom explanations are

sought, under the provisions of paragraph (e) of subsection (1), shall be under an obligation to provide the investigating officer with any-

(a) assistance,

(b) information, and

(c) declaration that the information given to the investigating officer is true,

and such investigating officer may demand and receive such assistance, information and declaration.

(8) Subject to the provisions of section 62, any person who-

(a) refuses or omits to comply with an obligation imposed on him by subsection (7), or

(b) conceals, destroys or falsifies information, records, books, accounts or other documents relating to professional activity, which is the object of an investigation pursuant to this Law or provides to the Commission or any person authorised by it false, incomplete, inaccurate or misleading information, declaration, record, book, account or other document relating to professional activity, or refuses or omits to provide to the Commission or any person authorised by it information, declaration, record, book, account or other document relating to professional activity, requested in the exercise of the Commission's powers envisaged by this Law,

is guilty of an offence and is liable on conviction to imprisonment not exceeding one (1) year or a fine not exceeding eighty five thousand euros (€85.000) or both.

(9) In the event of prosecution for an offence under the provisions of subsection (8)-

(a) for refusal or omission to comply with an obligation imposed by subsection (7), it shall constitute a defence for the accused to prove that he had reasonable cause for such refusal or omission;

(b) for providing false, incomplete, inaccurate or misleading information, declaration, record, book, account or other business document, it shall constitute a defence for the accused to prove that he provided the information, declaration, record, book, account or other business document in good faith and without knowing that it was false, incomplete, inaccurate or misleading.

(10) Subject to European Union legislation, communication of information to the Commission, pursuant to the provisions of this Law and/or Regulation (EC) No. 1/2003, is not considered to be a violation of any restriction in the communication of information imposed by convention or legislative, regulatory or administrative provision and the person making the communication shall have no legal liability in relation thereto.

(11) Information provided to the Commission, in the exercise of its powers under this section, may only be used for the purpose for which the information was sought, except where necessary for the implementation of Union competition law.

(12) Where the Commission exercises its competence under this section in the name of any other Competition Authority, it may request the payment of reasonable expenses, including administrative, labour and translation expenses.

Inspection following a warrant of the court.

39.-(1) The carrying out of an inspection in any place, field and means of transportation other than the ones mentioned in section 38 or in the residence of directors, managerial staff or other members of staff of the undertakings or associations of undertakings involved shall be prohibited, unless a duly reasoned court warrant is issued.

(2) The Commission in the exercise of its powers pursuant to the provisions of this section, but also in the name of other Competition Authorities, may apply to the Court for the issuing of a warrant ordering an investigation, provided there is reasonable suspicion that in the places mentioned in subsection (1) records, accounts, books, other documents related to the business activity and the object of the investigation are kept, which may potentially be significant in proving an infringement of the provisions of section 3 and/or 6 and of Article 101 of TFEU and Article 102 of TFEU.

(3)(a) The Court issues a warrant allowing the Commission to exercise, *mutatis mutandis*, the powers mentioned in paragraphs (a), (b), (c) and (e) of subsection (1) of section 38, while carrying out an inspection in residences and any other place, field, or means of transportation.

(b) The above warrant is issued if the Court is satisfied that the application submitted pursuant to subsection (2) is justified by the facts of the case.

(4) The procedure for the submission and hearing of such application shall be governed by Rules of Court issued by the Supreme Court and until such Rules of Court are issued, the application shall be accompanied by an affidavit of an authorised officer.

(5) Every search warrant shall be under the hand of the judge issuing the same and shall bear the date and time of issue as well as a statement by the judge that he is reasonably satisfied that the said warrant should be issued.

(6) The provisions of subsections (2), (4), (5) and (6) of section 38 shall also apply, *mutatis mutandis*, to the carrying out of inspections pursuant to the provisions of this section.

(7) Subject to European Union legislation, notification of information to the Commission, pursuant to the provisions of this Law and or Regulation (EC) No. 1/2003, is not considered to be a violation of any restriction in the communication of information imposed by convention or legislative, regulatory or administrative provision and the person making the communication shall have no legal liability in relation thereto.

(8) Where the Commission exercises its competence under this section in the name of any other Competition Authority, it may request the payment of reasonable expenses, including translation, administrative and labour expenses

Duty of confidentiality for the protection of business secrets, confidential information and personal data.

40.-(1) The Chairman and the other members of the Commission, officers of the Service and other public officers, persons working for the Commission on the basis of contracts for the provision of services and/or under any other status and persons who are posted or seconded to the Commission who, as a result of their post or in the performance of their official duties, obtain information on business secrets and/or confidential information as well as personal data, shall be under a duty of confidentiality and shall be obliged not to communicate and/or publicise such information, except in so far as this is necessary in order to-

(a) prove any infringement of this Law and Article 101 TFEU and of Article 102 TFEU;

(b) implement the provisions of this Law;

(c) comply with a decision of a competent Court.

(2) The duty of confidentiality mentioned in subsection (1) above shall also apply to any other natural or legal person who obtains such information as a result of the application of the provisions of this Law, the procedures envisaged by this Law and the implementation of the Leniency Programme.

(3) Without prejudice to the provisions of this section, any intentional breach of the duty of confidentiality stipulated in it, shall constitute, in the case of public officers, a disciplinary offence punishable in accordance with the provisions of the Public Service Law.

113(l) of 2017. (4) Nothing in this Law shall prevent the communication and/or publication of information for the purposes of applying Union Competition Law and the Law on Actions for Damages for Infringements of Competition Law, with the exception of declarations of leniency.

File of the case and characterisation of business secrets and confidential information.

41.-(1) The data, information and documents collected or submitted within the scope of the preliminary investigation of complaints or ex officio investigations and the minutes of the meetings of the Commission form part of the file of the case:

Provided that, where cases are jointly examined according to the provisions of subsection (10) of section 44, all the relevant documents of the file shall be considered a single case file.

(2)(a) While submitting or collecting information, pursuant to the provisions of sections 36 to 39 and 44, and when submitting written representations pursuant to the provisions of sections 18 and 50, a person, undertaking or association of undertakings, private or public body, specifies within the set timeframe, documents, declarations and any other material such person, undertaking, association of undertakings, private or public body considers contains business secrets and/or confidential information, justifying such opinion for each one, and provides a separate non confidential version containing an essential summary description of every deleted extract in a non-confidential form.

(b) For the purposes of safeguarding the protection of personal data, any such data that have been submitted in relation to the

powers and responsibilities of the Commission pursuant to the provisions of paragraphs (a) to (p) of subsection (2) of section 26, and in the procedures before the Commission envisaged by sections 18 and 19, are specified with precision.

(3) The information, documents and parts of the documents in respect of which no justified declaration classifying them as business secrets and/or confidential information, or in respect of which no separate non confidential version has been submitted, shall not be deemed as business secrets or confidential information, unless the Commission decides otherwise.

(4) In case of dispute regarding the request for the characterisation of information as confidential information and/or business secrets, the Service, in applying the provisions of paragraph (f) of section 23, notifies the requesting party in writing, of its intention to recommend to the Commission of the said information not being characterised as such, detailing the reasons there for, and sets a timeframe within which the requesting party may send its views in writing.

(5) Where the disclosure of personal data is considered necessary on the basis of the provisions of section 40, the Service, in applying paragraph (f) of section 23, notifies in writing the requesting party of its intention to recommend to the Commission their disclosure, detailing the reasons there for, and fixes a timeframe within which the requesting party may send its views in writing.

(6) Upon the conclusion of the preliminary examination of the business secrets and/or confidential information and/or personal data, and taking into consideration any opinions received pursuant to subsection (4), the Service submits to the Commission a relevant recommendation report.

(7) Upon the submission of the recommendation report provided in subsection (6), the Commission decides on the characterisation of the document or the information and/or the necessity to disclose personal data, and informs accordingly the person, undertaking or association of undertakings, the private or public body:

Provided that the Commission may, in its opinion, characterise additional information, documents and parts of documents as business secrets or confidential information.

(8) The Commission while acting pursuant to paragraph (k) of subsection (2) of section 26, may issue announcements concerning the characterisation and handling of business secrets and confidential information.

(9) The Commission may, pursuant to the provisions of points (e) and (h) of paragraph 1 of article 23 of Regulation (EU) 2016/679, while respecting the principles of proportionality and necessity, in exercising its powers and responsibilities pursuant to the provisions of paragraphs (a) to (p) of subsection (2) of section 26 and of sections 18 and 19, limit partly or wholly, the provision of information to the data subjects according to the provisions of articles 12 to 14, as well as the principle of transparency that is envisaged by paragraph 1 of article 5 of Regulation 2016/679, especially for the purpose of safeguarding the means of investigation and methods used, mutual assistance and cooperation with the European Commission and/or the Competition Authorities, pursuant to the provisions of this Law and/or articles 11 to 16 and 22 of Regulation (EC) No. 1/2003, or the rights and freedoms of other data subjects.

(10) Subject to the provisions of subsection (9), the Commission records the reasons for any restriction applied,

including the assessment as to the necessity and proportionality of the limitation:

Provided that, the restriction shall remain in place for as long as the reasons justifying it persist, whereas as soon as these reasons cease to exist, the Commission shall lift any restriction.

Access to the administrative file of the case.

42.-(1) Subject to the provisions of section 62, an undertaking and/or association of undertakings to which a statement of objections has been communicated according to the provisions of section 18, or reasons upon which a possible infringement of the provisions of this Law may be founded have been communicated, pursuant to the provisions of section 19, has a right of access to non-business secrets or non-confidential information and documents forming part of the administrative case file:

Provided that, an undertaking and/or association of undertakings to which a statement of objections has been communicated, the natural or legal persons filing the complaint, as well as third parties, have no right to access the internal documents, whereas as far as personal data according to Regulation (EU) 2016/679 is concerned, the provisions of subsection (9) shall apply.

(2) The Commission may in its reasoned decision, following a relevant request, allow access to business secrets or confidential information, either in whole or in part, provided such access is necessary in order for undertakings or association of undertakings to which a statement of objections has been communicated, to defend themselves, and only to such person whose access to the said business secrets or confidential information is considered absolutely necessary in order for undertakings or association of undertakings to which

a statement of objections has been communicated, to defend themselves.

(3) Without prejudice to the provisions relating to the protection of business secrets and/or confidential information, the Commission shall not be allowed in reaching its decision to rely upon a document that was not communicated or pointed out, or a document in relation to which no access was granted to the undertaking or association of undertakings against which the complaint or ex officio investigation is directed.

(4) Where, in the course of the proceedings before it, the Commission intends to rely in reaching its decision upon a document that was not communicated or pointed out, or a document in relation to which no access was granted to the undertaking or association of undertakings against which the complaint or ex officio investigation is directed, the Commission is under an obligation to communicate it to the said undertaking or association of undertakings and allow reasonable time for it to be examined.

(5) Information and/or data drafted, collected, prepared-

(a) by natural or legal persons for the purpose of applying the provisions of this Law,

(b) by the Commission and/or the European Commission and/or Competition Authority for the purposes of proceedings before the Commission,

may not be used by the undertaking or association of undertakings to which access has been granted according to the provisions of this section, in proceedings before the Courts or proceedings before other Competition Authorities, until the procedure before the Commission is completed and a decision is issued according to the provisions of section 29.

(6) Where, based on the information before the Commission, no reasonable suspicion arises for a possible infringement of the provisions of sections 3 and/or 6 and of Article 101 TFEU and/or Article 102 TFEU, the Commission may, following a request and prior to issuing a decision, allow natural or legal persons who filed a complaint, subject to the provisions of sections 40 and 41, access to non-business secrets and non-confidential information in the file of the case:

Provided that, no access is granted to declarations of leniency.

(7) Subject to the provisions of subsection (4) of section 26 and without prejudice to the provisions of the Law on Actions for Damages for Infringements of Competition Law, third parties are not allowed access to information contained in the administrative file of cases that are either pending or have been completed before the Commission.

(8)(a) The Commission may, pursuant to the provisions of points (e) and (h) of paragraph 1 of Article 23 of Regulation (EU) 2016/679, while respecting the principles of proportionality and necessity, in exercising its powers and responsibilities pursuant to the provisions of paragraphs (a) to (p) of subsection (2) of section 26 and of sections 18 and 19, limit partly or wholly, the right to access, erasure ('right to be forgotten') and restriction of processing of the data subjects whose data is being processed, according to the provisions of articles 15, 17 and 18 of Regulation 2016/679 especially for the purpose of safeguarding the means of investigation and methods used, mutual assistance and cooperation with the European Commission and/or the Competition Authorities, pursuant to the provisions of this Law and/or Articles 11 to 16 and 22 of Regulation (EC) No. 1/2003 or the rights and freedoms of other data subjects.

To this end, the Commission documents in writing, the reasons for the restrictions and notifies the data subject concerned, in its response to the request for access, erasure or restriction of processing, of the restrictions applied and the substantial reasons thereof, as well as the possibility for the data subject to file a complaint with the Commissioner of Personal Data Protection or have recourse to the Court:

Provided that, the provision of information relating to the reasons for the restrictions may be omitted, for as long as the purpose of the restrictions is undermined.

(c) Restrictions shall continue to apply for as long as there are reasons to justify them, and when such reasons cease to exist, the Commission shall lift the restrictions and inform the data subject accordingly.

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(9) Subject to the provisions of this Law and the provisions of the General Principles of Administrative Law, the procedures governing the operations of the Commission shall be determined by the Commission itself, with the latter having the power to issue announcements, pursuant to the provisions of paragraph (k) of subsection (2) of section 26, regarding access to the administrative file.

Limitations to the
use of business
secrets and
confidential
information in
proceedings
before the Court.

43.-(1) Subject to the provisions of subsection (2) and of the Law on Actions for Damages for Infringements of Competition Law, business secrets and/or confidential information to which persons have access under the provisions of section 41 and subsection (9) of section 44, may only be used for the purpose of implementing the provisions of this Law and Article 101 TFEU and/ or Article 102 TFEU, before the Commission.

(2) Business secrets and/or confidential information collected and/or submitted for the purposes of this Law, form part of the

administrative file, which is submitted to the Administrative Court, in order to obtain a decision, following a review filed against decisions of the Commission, by virtue of the provisions of Article 146 of the Constitution:

Provided that a party to the proceedings wishing to have access to the business secrets of third parties and/or confidential information shall file a request to that effect, to the Court.

(3) The Chief Registrar of the Court shall take all appropriate measures for the protection of business secrets and/or confidential information.

PART VII
COMPLAINTS ABOUT INFRINGEMENTS AND
NOTIFICATION OF INFORMATION

Complaints for infringement of the provisions of sections 3 and/or 6 and Article 101 TFEU and/or Article 102 TFEU.

44.-(1) Any natural or legal person who has a legitimate interest to this effect, may file a complaint relating to infringements of sections 3 and/or 6 and of Article 101 TFEU and/or Article 102 TFEU.

(2) A person shall have a legitimate interest if such person can prove that he has suffered or there is a serious or possible risk that he will suffer considerable financial harm, or that such person is 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.

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(3) The complaint shall be accepted by the Commission, provided it is submitted in writing, in printed and/or digital form which may be processed, and is signed by the person making it, or an authorised lawyer or representative of the person making it and contains all the information listed in Schedule I.

Schedule I.

Schedule I.

(4) Where the complaint does not contain all the information stipulated in Schedule I, the Commission may-

(a) accept the complaint if it considers the information submitted to be satisfactory for the examination of the complaint, or

(b) request clarifications and/or additional information:

Provided that, in such a case, the Commission shall set a reasonable deadline for the submission of the information requested by the person submitting the complaint, which may not shorter than twenty (20) days:

Provided further that, the Commission shall not be bound to consider information submitted after the expiration of the set deadline.

(5)(a) Subject to the provisions of paragraph (b) of subsection (4), upon expiry of the prescribed period with no further action, the Commission may reject the complaint.

(b) In cases referred to in paragraph (a), the Commission may use the information submitted to it according to its discretion and/or for an ex officio investigation of possible infringements of the provisions of sections 3 and/or 6 and of Article 101 TFEU and/or of Article 102 TFEU.

(6)(a) Subject to the provisions of paragraph (b) of subsection (4), the Commission, upon receipt of a reply within the set timeframe, may either consider that the information is sufficient and proceed to accept the complaint, or request the submission of further clarifications, thereby setting a new timeframe which cannot be shorter than seven (7) days.

(b)(i) Where the Commission receives no reply within the new timeframe set, or considers that the clarifications received are insufficient, the Commission shall reject the complaint.

(ii) In cases referred to in paragraph (i), the Commission may use the information submitted to it according to its discretion

and/or for an ex officio investigation of possible infringements of the provisions of sections 3 and/or 6 and of Article 101 TFEU and/or of Article 102 TFEU.

(c) Where the Commission considers the information to be sufficient, it proceeds to accept the complaint.

(7) Subject to the provisions of subsection (3), where it is evident that a complaint is not within the Commission's competence, or the person making it has no legitimate interest, or the complaint is not within the priorities of the Commission, according to the provisions of section 27, the Commission rejects the complaint and informs the person who filed it accordingly.

(8) Where the Commission accepts the complaint, the Commission instructs the Service to conduct a preliminary investigation of the possible infringements mentioned in it.

(9) Following a written request by the undertaking or the association of undertakings against which the complaint is made a copy of the complaint is given, subject to the provisions of section 41, provided this does not render the investigation of the Commission more difficult.

(10) The Commission may, at any stage of the investigation or proceedings, decide that complaints and/or ex officio investigations are examined jointly, or that they are separated, provided this is considered convenient for any procedural or substantive reason.

(11) Where upon the conclusion of the preliminary investigation of the Service and the submission of the report containing the findings, the Commission finds that the complaint filed does not fall within the scope of the application of this Law, or that, based on the evidence before it, there is no reasonable

suspicion for a possible infringement of the provisions of sections 3 and/or 6 and Article 101 TFEU and/or Article 102 TFEU, the Commission issues a decision accordingly.

(12) Where upon the conclusion of the proper preliminary investigation conducted by the Service and the submission of the report containing the findings, the Commission finds that there is a possible infringement to which the complaint refers, the provisions of section 18 shall apply.

Withdrawal of a complaint.

45.-(1) A request for the withdrawal of a complaint submitted to the Commission may be made at any time prior to or during the course of the appropriate preliminary investigation by the Service:

Provided that such a request shall not be accepted after a decision of the Commission to initiate proceedings for the examination of an infringement according to the provisions of section 18:

Provided further that, if the complaint is withdrawn, the Commission may decide to continue the investigation of the complaint on its own initiative, using the material gathered in the file already opened, and in such case, the Commission proceeds with the investigation procedure resuming from the stage where the case was, prior to the submission of a withdrawal request, and issues a relevant decision upon completion of all procedures.

(2)(a) A request for the withdrawal of a complaint shall be submitted to the Commission in writing and shall be signed by the person filing the complaint personally or through an authorised representative.

(b) A conditional request shall not be considered.

(c) A request to reinstate a complaint already withdrawn shall not be allowed.

Obligation of public officers and possibility for third parties to communicate information.

46.-(1)(a) The members of staff of the Consumer Protection Service of the Ministry of Energy, Commerce and Industry shall be under an obligation to communicate to the Commission any possible infringements of this Law and/or information relating to possible infringements of its provisions which come to their knowledge by reason of their position, or in the performance of their official duties.

(b) The notification mentioned above in paragraph (a), constitutes proper performance of official duty, within the meaning of the Public Service Law, and any omission thereof shall constitute a disciplinary offence punishable in accordance with the relevant disciplinary provisions.

(2) Any person may anonymously notify the Commission of possible infringements of the provisions of this Law which come to such person's knowledge and information relating to them.

(3) The Commission evaluates the aforementioned notifications and decides whether to initiate an ex officio investigation or whether such information shall be used within the scope of an existing investigation.

PART VIII

ADMINISTRATIVE FINES

Administrative Fines.

47.-(1) Without prejudice to the provisions of section 29, the Commission may impose the following administrative fines to undertakings or associations of undertakings, natural or legal persons or to the private bodies who infringe the provisions of this Law or omit to comply with them:

(a) An administrative fine up to ten per cent (10%) of the turnover of the financial year preceding the decision, in the case of undertakings or associations of undertakings which -

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(i) according to a decision of the Commission have infringed the provisions of sections 3 and/or 6 and/or Articles 101 TFEU and/or 102 TFEU;

(ii) fail to comply with a decision of the Commission, issued pursuant to the provisions of paragraphs (b) and (c) of section 29 and section 34;

(iii) do not abide by the commitments assumed by them, which have been rendered binding by a decision issued pursuant to the provisions of subsection (1) of section 30;

(iv) fail to comply, within the set timeframe, with the obligation imposed by any provision of this Law to provide information that has been requested;

(b) an administrative fine up to one per cent (1%) of the turnover of the undertaking or association of undertakings in the financial year preceding the decision, in the case of -

(i) intentionally or negligently providing false, incomplete, inaccurate or misleading information according to the provisions of sections 36 and 37;

(ii) refusal to receive a written request of the Commission for the collection of information pursuant to section 36;

(iii) refusal or omission to comply with summons or to make a statement pursuant to the provisions of section 37;

(iv) providing incomplete and/or modified requested files, books, accounts or other documents relating to the business activity within the scope of an inspection pursuant to the provisions of section 38;

(v) refusal to comply with a mandate of the Commission for inspection issued pursuant to the provisions of section 38;

(vi) intentionally or negligently violating the seal placed pursuant to the provisions of paragraph (d) of subsection (1) of section 38;

(vii) providing inaccurate or misleading answers and/or omitting or refusing to provide a complete answer to a question submitted pursuant to paragraph (e) of subsection (1) of section 38;

(c) an administrative fine up to five per cent (5%) of the average daily turnover of the year preceding the decision for every day the infringement continues, from the day specified in the decision, in cases where the undertakings or the associations of undertakings involved-

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(i) fail to comply with a decision of the Commission, issued pursuant to the provisions of paragraphs (b) and (c) of section 29 and section 34

(ii) omit to comply fully with the decision of the Commission regarding the assumption of commitments pursuant to section 30

(iii) omit to provide the information requested within the set timeframe according to the provisions of section 36

(iv) omit to comply with summons issued by the Commission or refuse or omit to comply with the Commission's summons in order to make a statement pursuant to the provisions of section 37

(v) omit to comply with a mandate of the Commission for an inspection pursuant to the provisions of section 38.

(d) an administrative fine up to twenty-five thousand euros (€25.000) imposed upon natural persons in case of-

(i) intentionally or negligently providing false, incomplete, inaccurate or misleading information according to the provisions of sections 36 and 37;

(ii) refusal to receive a written request of the Commission for the collection of information pursuant to section 36;

(iii) refusal or omission to comply with summons or to make a statement pursuant to the provisions of section 37;

(iv) failure to comply with an obligation imposed by any provision of this Law to provide information requested within the set timeframe;

(e) an administrative fine up to five thousand euros (€5.000) imposed upon natural persons for every day, starting from the day specified in the decision, of-

(i) omission to provide the information requested within the set timeframe according to the provisions of section 36;

(ii) omission to comply with summons issued by the Commission or to make a statement, in case of refusal or omission to comply with summons for the provision of a statement or to make a statement, according to the provisions of section 37.

2(a) In calculating the turnover of an undertaking or association of undertakings, the Commission uses the most accurate data that is available.

(b) If the information submitted by an undertaking or an association of undertakings is incomplete or unreliable, the Commission may calculate the turnover of the said undertaking or association of undertaking based on information which will be collected and/or any other information it considers relevant and appropriate, and for this purpose the Commission may address public authorities of the Republic in order to gather such information.

(3)(a) For the purposes of imposing administrative fines, the notion of undertaking, shall apply to both the parent companies, as well as to the legal and economic successors of the undertakings.

(b) If the infringement committed by an association of undertakings is connected to the activities of its members, the Commission may impose an administrative fine up to the aggregate of ten percent (10%) of the turnover of each undertaking being a member of the association of undertakings in default and which operates in the market affected by the infringement.

(4) The Commission may adjust the administrative fine depending on the existence of aggravating and/or mitigating circumstances, taking into consideration particularly, whether the undertaking or the association of undertakings has infringed the provisions of the present Law negligently or intentionally and/or any compensation paid as a result of a consensual settlement pursuant to the provisions of the on Actions for Damages for Infringements of Competition Law.

(5) The Commission may grant immunity or reduce the amount of the administrative fine which would otherwise be imposed on an undertaking or an association of undertakings, based on the criteria and requirements set out in the Leniency Programme.

(6) For the purposes of imposing administrative fines, the Commission may, by its decision which is published in the Official Gazette of the Republic, give notice of the method of assessing the seriousness and the duration of the infringement, as well as the aggravating and mitigating circumstances which may be taken into consideration in determining the administrative fine to be imposed.

48.-(1) In the event of an administrative fine being imposed on an association of undertakings by taking into consideration the turnover of its members, and such association is not solvent, the association shall be obliged to call for contributions from its members in order to meet the amount of the administrative fine.

(2) Where such contributions are not fully paid within the time-limit set by the Commission, the Commission may demand payment of the administrative fine directly by each of the undertakings whose representatives were members of the decision-making bodies involved of the association of undertakings.

(3) Where the Commission has demanded payment according to the provisions of subsection (2), in the event this is necessary in order to secure full payment of the administrative fine, the Commission may demand payment of the remaining amount from any member of the association of undertakings that is active in the market where the infringement took place.

(4) The Commission shall not demand payment under subsections (2) and (3) from undertakings which prove that they have not implemented the unlawful decision of the association of undertakings and that, either they were not aware of its existence or that they actively distanced themselves from it, prior to the initiation of the investigation by the Commission.

(5) The financial liability of each undertaking, in respect of payment of the administrative fine imposed on the association of undertakings of which the undertaking is a member, shall not exceed ten per cent (10%) of such undertaking's turnover for every infringement of sections 3 and/or 6 and/or of Article 101 TFEU and/or Article 102 TFEU.

Time limit for the imposition of administrative fines by the Commission.

49.-(1) The Commission shall have no power to impose administrative fines in respect of infringements of this Law and/or Union Competition Law, if such powers are not exercised within the following timeframes:

(a) Within three (3) years, in the case of infringements of provisions concerning requests for information or the conduct of inspections pursuant to sections 36 to 39;

(b) within five (5) years, in the case of all other infringements.

(2) Time shall begin to run on the day on which the infringement is committed, and in the case of a continuing infringement or of an infringement which has been repeated, time shall begin to run on the day the infringement stops.

(3) The time period shall be interrupted by acts of the Commission aiming at a preliminary investigation or an investigation procedure for a possible infringement of the provisions of this Law, which include in particular-

(a) the initiation of an investigation procedure on the part of the Commission pursuant to the provisions of subsection (1) of section 18

(b) a written demand by the Commission for the provision of information to at least one undertaking or association of undertakings involved in a preliminary investigation according to the provisions of subsection (1) of section 36

(c) the summons by the Commission of any undertaking or association of undertakings involved in a preliminary investigation, for taking a statement according to the provisions of section 37

(b) a Commission's written mandate to an undertaking or association of undertakings which is involved in a preliminary

investigation according to the provisions of subsection (2) of section 38

(e) a warrant issued by the court towards an undertaking or association of undertakings which is involved in a preliminary investigation according to the provisions of section 39:

Provided that, in relation to acts mentioned in paragraphs (a) to (e), the interruption of the time period shall apply with respect to all undertakings or associations of undertakings involved which participate in the infringement

(f) a written notice by the Commission for the initiation of an investigation procedure for possible infringements of the provisions of sections 36 to 39, according to the provisions of section 19.

(4) The time period shall begin to run again anew, after every interruption envisaged in subsection (3) and the limitation shall occur the latest on the day when a time period which is twice the limitation time period elapses, on condition that the Commission has not imposed an administrative fine, and shall be extended for a period of time equal to the period of suspension of the limitation time period according to the provisions of subsection (6).

(5) The time period provided for the imposition of administrative fines shall be suspended for as long as the decision of the Commission shall be subject to a procedure pending before the Supreme Court or the Administrative Court.

(6)(a) Subject to the provisions of subsection (3), the time period shall be interrupted for as long as an investigation on the implementation of Article 101 TFEU and/or Article 102 TFEU is pending before a 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 TFEU and/or Article 102 TFEU:

Provided that, the interruption to the limitation period shall occur upon communication of the first official investigation measure to at least one of the undertakings or associations of undertakings that are the subject of the investigation.

(b) The interruption or suspension shall cease on the day the Competition Authority or the European Commission completes the procedure for the implementation of the provisions of this Law and of Article 101 TFEU and/or Article 102 TFEU.

Procedure for the imposition of administrative fines by the Commission.

50.-(1) Administrative fines for infringements of the provisions of this Law and of Article 101 TFEU and/or Article 102 TFEU are imposed by the Commission with a reasoned decision, following a proper investigation and taking into consideration the seriousness and duration of the infringements in each case.

(2) Prior to the imposition of an administrative fine, the Commission gives notice to the undertaking or association of undertakings or person affected of its intention to impose such fine, informing the said undertaking or association of undertakings or person of the reasons for such action and giving such undertaking or association of undertakings or person the right to submit written representations, within a period of thirty (30) days.

Time frames for payment of administrative fines.

51.-(1)(a) In the event of non-payment of the administrative fine imposed pursuant to the provisions of this Law within the time period set by the Commission or, in the absence of a contrary provision in the decision of the Commission, within sixty (60) days from the day the decision of the Commission

was communicated, an annual interest shall be payable on the amount of such administrative fine from the day the set time period for payment expired.

167(l) of 2006
118(l) of 2012.

(b) Legal interest shall be determined according to the provisions of the Single Public Default Rate Law.

(2) The Commission may decide, by way of an exception to subsection (1), that payment of the administrative fines shall be made in instalments, following a reasoned request by the undertaking or association of undertakings.

Legal measures
for collection of
administrative
fines.

52. In the event of non-payment of the administrative fines imposed by the Commission under this Law, the Commission shall proceed with legal measures and collect the amount due as a civil debt due to the Republic.

PART IX

MUTUAL ASSISTANCE BETWEEN COMPETITION AUTHORITIES AND COLABORATION WITH THE EUROPEAN COMPETITION NETWORK

Applications for
communication
of preliminary
objections and
other documents.

53. The Commission accepts requests by Competition Authorities to communicate on their behalf to a recipient designated by the latter-

(a) preliminary objections relating to possible infringement of the provisions of Article 101 TFEU and/or Article 102 TFEU and any decisions for the implementation of the said articles;

(b) any other procedural act, issued within the scope of enforcement proceedings and which should be notified;

(c) any other relevant document concerning the implementation of Article 101 TFEU and/or Article 102 TFEU, as well as any document relating to the enforcement of decisions imposing a fine or periodic penalty payments.

Applications for the enforcement of decisions.

54.-(1) Without prejudice to the provisions of section 56, a Competition Authority may apply to the competent enforcement authority for enforcement of its decision in relation to the imposition of a fine or periodic penalty payments and the competent enforcement authority is under an obligation to take enforcement measures, on condition that-

(a) the Competition Authority has made reasonable efforts in its territory and has ensured that the undertaking or association of undertakings, against which the fine or periodic penalty payment is enforceable, does not have adequate means within the Competition Authority's territory, for payment of the fine or penalty;

(b) the provisions of section 55 are fulfilled.

(2) Cases which do not fall within the scope of subsection (1), in particular where the undertaking or association of undertakings against which the fine or periodic penalty is enforceable, is not established in the Member State of the Competition Authority, the competent enforcement authority may enforce the decision of the Competition Authority imposing a fine or a periodic penalty payment, provided that-

(a) an application has been made by the Competition Authority;

(b) the provisions of section 55 are satisfied, with the exception of paragraph (d) of subsection (3) of that section.

(3) For the purposes of this section, 'competent enforcement authority' means the District Court which has territorial jurisdiction and where the undertaking or association of undertakings against which the fine or periodic penalty payment is enforceable, has its registered office.

(4) For the purposes of this section, an application for enforcement of a decision may only be submitted in relation to a final decision.

(5) Any limitation periods in the enforcement of a decision imposing a fine or a periodic penalty payment shall be governed by Cyprus Law..

55.-(1) Applications for communication pursuant to the provisions of section 53 or enforcement of a decision imposing a fine or a penalty pursuant to section 54, are submitted through a single title accompanied by a copy of the decision or act sought to be communicated or enforced and shall be processed without unjustified delay.

(2) The single title referred to in subsection (1) specifies-

(a) the name and known address of the recipient, as well as any other relevant element or information that is useful for the identification of the recipient;

(b) a summary of the relevant facts and circumstances;

(c) a summary of the attached copy of the act to be communicated;

(d) the name, address and other contact details concerning the Competition Authority submitting the request and

(e) in case of submission of a request pursuant to the provisions of section 53, the timeframe within which notification of the act must take place.

(3) The single title submitted in relation to the applications set out in the provisions of section 54, in addition to the requirements stipulated in subsection (2), shall contain-

(a) information relating to the decision permitting enforcement in the Member State of the Competition Authority;

(b) the date of the final decision;

(c) the amount of the fine or the periodic payment penalty, and

(d) information which proves the reasonable efforts made by the Competition Authority to enforce the decision in its territory/jurisdiction.

(4) The single title envisaged by subsection (1) shall be drawn up in Greek, unless the Competition Authority submitting the application and the competent enforcement authority or the Commission have agreed bilaterally, as the case may be, that the single title may be drawn up in another language.

(5) The competent enforcement authority may recover from the fine or penalty payment received on behalf of the Competition Authority, the total costs it incurred.

(6) Where the competent enforcement authority or the Commission requests the payment of reasonable expenses, including translation, administrative and labour expenses, the Competition Authority shall pay the relevant expenses.

(7) The single title provided for in subsection (1) constitutes the only basis of the enforcement measures and shall not be subject to recognition, supplementation or replacement.

Rejection of a request.

56.-(1) The competent enforcement authority or the Commission may refuse a request submitted to it pursuant to the provisions of sections 53 and 54, if-

(a) the request does not fulfil the requirements of sections 53, 54 or 55, or

(b) it is reasonably proven that the communication or execution of the request would be evidently contrary to the public order in the Republic.

(2) In the event that the competent enforcement authority or the Commission intends to reject a request submitted in accordance with the provisions of sections 53 or 54 or the submission of additional information is required, the enforcement authority or the Commission shall contact the Competition Authority.

Applicable law in case of dispute.

57.-(1) Disputes relating to -

(a) the legality of the act to be communicated according to the provisions of section 53 or the enforcement of a final decision according to the provisions of section 54 and

(b) the legality of a single title permitting the enforcement in the Member State where the application is submitted,

shall fall within the jurisdiction of the authorities of the Member State of the Competition Authority filing the request for communication according to the provisions of section 53 or the application for enforcement according to the provisions of section 54.

(2) Disputes relating to the measures taken within the Republic or concerning the validity of the notification, fall within the jurisdiction of the competent authorities of the Republic and are governed by Cyprus Law.

Informing the European Commission and the Competition Authorities.

58.-(1) Where the Commission has informed the European Commission pursuant to the provisions of paragraph 3 of article 11 of Regulation (EU) No. 1/2003 and has decided that there is no reason to continue the procedure for implementation of Article 101 TFEU and/or Article 102 TFEU in relation to a complaint or an ex officio investigation, the Commission shall inform the European Commission accordingly.

(2) The Commission shall inform the European Competition Network of the issuance of a decision pursuant to section 34 in relation to the implementation of Article 101 TFEU and/or Article 102 TFEU.

(3) Subject to the law of the European Union, any personal data contained in official documents which the Commission has in its possession for the performance of its duties may be communicated to the European Commission and/or the Competition Authorities pursuant to the provisions of this Law or the Law of the European Union.

PART X

CRIMINAL PROVISIONS

Failure to comply with a decision of the Commission.

59. A person who fails to comply with or acts in contravention of a decision of the Commission issued pursuant to any of the provisions of sections 26, 29 and 30, is guilty of a criminal offence and is liable, if convicted, to imprisonment not exceeding two (2) years or to a fine not exceeding three hundred forty thousand euros (€340.000) or both.

Failure to comply with a decision of the Commission for interim measures.

60. A person who fails to comply with or acts in contravention of a decision of the Commission imposing interim measures issued pursuant to the provisions of section 34, is guilty of a criminal offence and is liable, if convicted, to imprisonment not exceeding two (2) years or to a fine not exceeding three hundred forty thousand euros (€340.000) or both.

Criminal offence of contravening the duty to confidentiality

61. A person who breaches the duty of confidentiality envisaged by subsection (2) of section 40, is guilty of a criminal offence and is liable, if convicted, to imprisonment not exceeding six (6) months or to a fine not exceeding one thousand five hundred euros (€1.500) or both.

Liability of legal persons.

62.-(1) Where, pursuant to the provisions of this Law and/or the Regulations issued thereunder, a criminal offence is committed by a legal person, the following shall be liable for such offence, as well as the legal person-

(a) all members of the management board or the board of administration or the committee handling the affairs of the legal person, and

(b) the general manager or director or the managing director of the legal person,

and the criminal prosecution for such offence may be pursued against the legal person and against all or any of the persons mentioned above.

(2) Where the commission of an act or an omission by a legal person results in the imposition of an administrative fine by the Commission, as stipulated in this Law and/or the Regulations issued thereunder, the persons mentioned in paragraphs (a) and (b) of subsection (1) shall also be liable for such act or omission and for the payment of such administrative fine, as well as the legal persons themselves.

PART XI

MISCELLANEOUS

Action for damages.

63. A final decision of the Commission establishing infringement of sections 3 and/or 6 and of Article 101 TFEU and/or Article 102 TFEU, by undertakings or associations of undertakings constitutes a non rebuttable presumption and can be invoked by any person who suffered damage as a result of the infringement, according to the provisions of the Law on Actions for Damages for Infringements of Competition Law.

Summons before the Commission.

64. Summonses on undertakings or associations of undertakings or of any other person before the Commission,

envisaged by the provisions of this Law, shall be made as follows-

(a) by registered post to the address of the principal place of business or the registered office of the summoned undertaking, association of undertakings or of such person, or to the office of the legal representative of the summoned undertaking, association of undertakings or of such person;

(b) by fax or any other electronic means to the principal place of business or the place of business of the director or to the office of the legal representative of the summoned undertaking, the association of undertakings or of such person;

(c) delivery by hand, irrespective of the place where he might be, to a director or official or authorised person of the summoned undertaking, association of undertakings, or to such person or their legal representative; or

(d) delivery by hand or leaving the summons at the principal place of business of the summoned undertaking or of such person, the registered office of the summoned undertaking, association of undertakings or at the office of the legal representative of the summoned undertaking, association of undertakings or of such person.

Regulations.

65.-(1) The Council of Ministers may issue Regulations, to be published in the official Gazette of the Republic, for the best implementation of the provisions of this Law or for regulating any matter which under the provisions of this Law is required to be or may be regulated.

(2) Without prejudice to the generality of subsection (1), the Regulations mentioned therein may prescribe matters relating to-

(a) applications for the issue of a certified extract of the Registers kept under section 25

(b) the procedure followed before the Commission during the investigation of infringements according to this Law

(c) the determination of the manner of granting immunity and/or reduction of administrative fines in respect of infringements, in accordance with the provisions of this Law

(d) the determination of the procedure for notification of information on possible infringements of the provisions of this Law and of Article 101 TFEU and/or Article 102 TFEU, pursuant to the provisions of subsection (3) of section 46 and the protection of persons making such notification.

8 of 169(I) of
2022.

(3) Regulations issued pursuant to this section may prescribe for offences punishable upon conviction of the person who committed them with a fine not exceeding three hundred and fifty thousand euros (€350.000), as well as the imposition of administrative fines not exceeding three hundred and fifty thousand euros (€350.000).

(4) Regulations issued pursuant to the provisions of this Law shall come into operation on the day they are published in the official Gazette of the Republic, unless otherwise provided in such Regulations.

(5) The issue of regulations pursuant to this section shall not constitute a condition for the implementation of the provisions of this Law, and until the issue of Regulations providing for a specific matter, the Commission may regulate such matter by a decision, except for matters concerning offences.

Rules of Court.

66. The Supreme Court may make Rules of Court to be published in the official Gazette of the Republic for carrying out the provisions of-

(a) Regulation (EC) No. 1/2003 and in particular article 15 and article 16 thereof;

(b) subsection (4) of section 39;

(c) section 54.

Report of the
Commission's
activities.

9(a) of 169(I) of
2022.

67.-(1) The Commission shall prepare and submit to the Minister and the Parliamentary Committee on Energy, Commerce, Industry and Tourism an annual report relating to its activities.

9(b) of 169(I) of
2022

(2) The report mentioned in subsection (1) contains information relating to the appointment and possible removal of the Chairman and the members of the Commission, the funds allocated during the year under review, any changes compared to previous years, as well as information concerning issues of policy and strategic priority for the protection of competition for the year of the report and the following year.

Liability of the
Chairman, the
members of the
Commission, the
members of staff
of the Service
and others.

68. Subject to the provisions of this Law and the Regulations made thereunder, the Chairman and members of the Commission, members of staff of the Service, persons working in the Commission on the basis of contracts for the provision of services and/or any other status, shall not be liable for any act or omission or any opinion given, or any report or other document prepared in the bona fide performance of their duties, responsibilities or powers pursuant to this Law and/or the Regulations made thereunder or any other Law on the basis of which powers and responsibilities are granted to the Commission.

Application of
Union
Competition Law,
mutatis
mutandis.

69. Where a matter is not expressly regulated by this Law or Regulations or Orders made thereunder, the Court or the Commission, as the case may be, shall apply mutatis mutandis, the relevant provisions of Union Competition Law.

Minister's
Orders.

70.-(1) The Minister may, following a reasoned opinion of the Commission, by an order published in the official Gazette of

the Republic, amend or replace the Schedules of this Law and any Schedule of Regulations made pursuant to this Law.

(2) The Minister may by order published in the official Gazette of the Republic determine the fees imposed by the Commission for the services provided by the Commission or the Service.

(3) An order issued pursuant to the provisions of this section, shall come into operation on the day it is published in the official Gazette of the Republic, unless otherwise provided therein.

Repeal and
Preservation.

71.-(1) Without prejudice to the provisions of subsection (2), the Protection of Competition Laws of 2008 and 2014 are hereby repealed.

(2) Notwithstanding the provisions of subsection (1) of section 8, the Commission for the Protection of Competition established under the Protection of Competition Laws of 2008 and 2014 shall continue to exist, function, and have the responsibilities, powers and duties determined by or under the provisions of this Law, until the end of its term of office and the constitution of a Commission pursuant to the provisions of section 9.

Transitional
Provisions.

72.-(1) Orders, Regulations and decisions of the Commission issued pursuant to the provisions of the Protection of Competition Laws of 2008 and 2014 shall, to the extent that these do not conflict with the provisions of this Law, remain in force as if these had been issued by virtue of this Law until these are amended, revoked, or repealed.

(2) Any reference contained in any other Law, Regulation, or individual administrative act to the Protection of Competition Laws of 1989 to (No.2) of 2000 and/or to the Protection of

Competition Laws of 2008 and 2014, shall be considered, mutatis mutandis, to be a reference to this Law.

(3) Save as provided in subsection (4), any procedures involving the handling of cases, investigation of complaints and ex officio investigations, including procedures for interim measures which on the date of enforcement of this Law are pending before the Commission for the Protection of Competition as established pursuant to the provisions of section 8 of the Protection of Competition Laws of 2008 and 2014, shall be considered as pending before the Commission and shall be examined according to the provisions of this Law.

(4) In case of any infringements of the provisions of this Law and/or noncompliance with a decision of the Commission which occurred prior to the enforcement of this Law, the provisions of the Protection of Competition Laws of 2008 and 2014 shall prevail and shall apply regarding the imposition of fines.

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.¹

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

¹Refer 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 companies¹] [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.

¹ 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,

.....

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