

REPUBLIC OF CYPRUS*			
COMPETITION FRAMEWORK			
Competition Law	There are two laws in place: the Protection of Competition Law 2008 (Law no. 13(I)/2008) which was enacted on April, 18 2008 (as the Protection of Competition Law, 1989 was repealed and substituted by the Protection of Competition Law 2008) and the Control of Concentrations between Undertakings Law 22(I)/99 which was enacted on March 19, 1999.		
Competition Authority	The Cyprus Commission for the Protection of Competition (“Cyprus CPC”), established in 1990, enforces the Protection of Competition Law 2008, Law no. 13(I)/2008 along with the Control of Concentrations between Undertakings Law 22(I)/99 and is the designated authority responsible for the application of Articles 101 and 102 of the Treaty on the Functioning of the European Union (TFEU) (formerly articles 81 and 82 of the EC Treaty). Website: http://www.competition.gov.cy/competition/competition.nsf/index_en/index_en?opendocument		
STATUS OF THE COMPETITION AUTHORITY			
Accountability			
Does the Competition Authority have obligations before the executive?	Yes	√	Obligations to report to the executive on on-going investigations upon request.
		X	The decisions of the Competition Authority may be vetoed by a ministry or by the executive branch.
		√	The Competition Authority has to report on an annual basis to the executive.
		Other obligations/comments: The Cyprus CPC has the legal obligation to inform the Minister of Commerce, Industry, and Tourism of notified transactions. <i>See</i> section 21 of Competition Law.	
Does the Competition Authority have obligations before the legislature?	Yes	√	Obligation to publish an annual report on its activities.
		X	Obligation to stand before Parliament and to respond to congressmen on an annual basis.
		X	Its activities are monitored by an independent auditor or by oversight committees.
Does the Competition Authority have obligations before the judiciary?	Yes	√	Decisions of the Competition Authority are subject to judicial review.
		Other obligations/comments: The decisions of the Cyprus CPC are final, unless the Supreme Court, which has the power to review the Commission’s decisions on the basis of an administrative recourse, annuls them.	
Independence			
Are the criteria for appointment and removal of the head/board members clear and transparent?	Yes	<i>See</i> Competition Law, section 9.	
Does the executive have powers to decide on specific cases based on public interest?	No		
Does the executive retain decision-making powers over the Competition Authority?	No		
Is the Competition Authority obliged to publish its reasoned decisions to ensure transparency?	Yes	<i>See</i> Competition Law, section 22..	
Is there a provision of the national budget allocated by law to the Competition Authority to ensure its proper functioning?	Yes	Fiscal year budget for 2012: EUR 1.843.360.	
Can the Competition Authority be financed by its own means (notification fees, fines, etc.)?	No		
GOVERNANCE OF THE COMPETITION AUTHORITY			
Is the Competition Authority governed by a single chairman or by a collegiate body?	Collegiate body	The Commission is composed of five members, including the Chairman. <i>See</i> Competition Law, section 9.	
Are the heads appointed by a minister?	Yes	They are appointed by a decision of the Council of ministers, on a proposal of the minister of Commerce, Industry and Tourism. <i>See</i> Competition Law, section 9.	
Are the heads appointed by representatives of more than one government branch?	No		
Is there a fixed period during which removal is prohibited?	Yes	For five years. Causes for dismissal are stated in section 13 of the Competition Law.	
Is the tenure of the heads renewable?	Yes	Only once. <i>See</i> Competition Law, section 9(4).	
Are the heads required to have certain minimum qualifications (degree in law or economics, age, experience)?	Yes	Section 9(2)(a) states that the chairman of the Commission shall be a person of a high standing and probity possessing specialized knowledge and experience in law and being capable to contribute to the carrying into effect of the purposes of this Law.	
ARCHITECTURE			
Is the Competition Authority a stand-alone agency with an independent physical location or is it part of a bigger entity such as a minister?	Stand-alone agency	53 Strovolos Ave. Victory Building, 2018 Strovolos, Nicosia. P.O.Box 23467, 1683 Nicosia.	

POLICY-MAKING AGENTS -DIVERSIFICATION-		
How many agencies are responsible for competition enforcement?	One agency	Responsible for horizontal agreements, vertical restraints, abuse of dominant position and merger control.
Do sector regulators have competition policy enforcement mandate?	Energy, telecommunications and Post Offices regulating entities	They do not have overlapping powers with the Commission. However, they are vested with certain competences that may be characterized as complementary to the Commission's competences.
Have the Competition Authority and other agencies signed protocols or memoranda of understanding with sector regulators?	No	
POLICY DUTIES		
Does the Competition Authority have exclusive mandate on competition or multiple mandates?	Exclusive competition mandate	X Concurrent consumer protection mandate.
		X Concurrent IP mandate.
		Other mandates: Not applicable.
PORTFOLIO INSTRUMENTS		
Law Enforcement		
Does the Competition Authority have powers to investigate cartels?	Yes	See Competition Law, sections 3(1) and 24.
Does the Competition Authority have powers to conduct dawn raids at premises?	Yes	See Competition Law, sections 31 and 32.
Can the Competition Authority investigate <i>ex officio</i> cases?	Yes	See Competition Law, section 3(1) and 24.
Does the Competition Authority have powers to accept leniency applications?	Yes	The leniency regime in Cyprus is governed by the Regulations of 2011 "Immunity and Leniency of Administrative Fines."
Does the Competition Authority have powers to accept seek criminal punishment?	No	
Advocacy		
Can the Competition Authority issue opinions on draft legislation?	Yes	Section 23(2)(l) of the Competition Law rules that the Commission may submit an opinion on issues within its competence to any public body: Provided that the opinion submitted shall not bind the Commission as to the context of a subsequent decision, nor does it affect the validity of such a decision.
Is the executive and/or the legislature obliged to request the opinion of the Competition Authority when drafting legislation that may impact competition?	No	See above.
Rulemaking		
Can the Competition Authority issue guidelines or other type of secondary legislation?	Yes	X Guidelines on the calculation of fines.
		X Guidelines on merger control.
		X Guidelines on the economic analysis of abuse of dominance cases.
		Other notes/comments: Section 23(2)(l) rules that the Commission may submit an opinion on issues within its competence to any public body, provided that the opinion submitted shall not bind the Commission as to the context of a subsequent decision, nor does it affect the validity of such a decision.
Research & Reporting		
Can the Competition Authority carry out market studies?	Yes	
Can the Competition Authority report to the legislature on the results of market studies?	N/A	
DECISION-MAKING FUNCTIONS		
Aggregated Functions		
Does the Competition Authority make the decision to investigate and to prosecute cases?	Yes	
Does the Competition Authority make guilty findings?	Yes	
Does the Competition Authority impose punishments?	Yes	
Is there a single body that carries out the investigation and the guilty findings within the Competition Authority?	No	
Can the Competition Authority's decisions be appealed to a court?	Yes	
Disaggregated Functions—Prosecutorial Model		
Are there different authorities that make the decision to investigate and to prosecute cases?	No	
Are disputes presented for decision to a separate	No	

entity/tribunal?		
* Data based on public sources.		