




COMMISSION FOR THE PROTECTION  
OF COMPETITION



# **OVERVIEW OF THE ENFORCEMENT ACTIVITIES OF THE COMMISSION FOR THE PROTECTION OF COMPETITION OF CYPRUS (CPC) IN 2014 -2015**

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# Introduction



## **Commission for the Protection of Competition (CPC):**

- Advocacy role**
- Aim of ensuring competitive environment**

# Applicable Law



The applicable law has been amended in 2014:

- The Protection of Competition Law No. 13(I)/2008 as amended in 2014
- The Control of Concentrations between Enterprises law No. 83(I)/2014

# The Protection of Competition Laws of 2008 and 2014



Amendment of the Protection of Competition Law of 2008 in March 2014 – most important changes:

- the prioritisation of cases
- the competence of the CPC to conduct sector inquiries
- obtaining oral statements
- the collection of forensic IT evidence
- amelioration of legislative system in relation to commitment decisions
- amendment of criteria for interim measures

# The Control of Concentrations between Undertakings Law of 2014



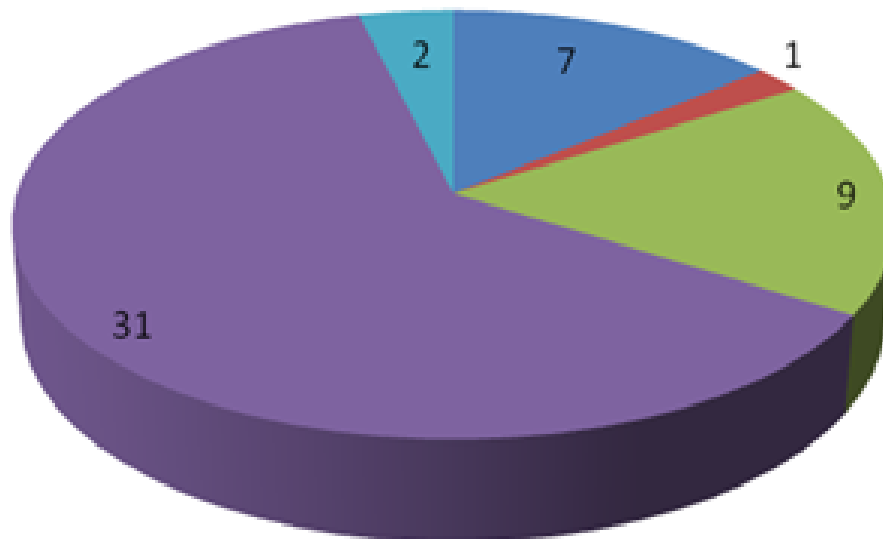
New Control of Concentrations between Undertakings Law (Law no. 83(I)/2014) in June 2014, repealing and replacing the Control of Concentrations Between Undertakings Laws of 1999 and 2000 - most important changes:

- obligatory notification when at least two of the participating undertakings engage in commercial activities in Cyprus
- abolishment of the one-week notification rule
- change of the compatibility test
- notion of effect in other markets
- new powers for collection of data and information
- new Annex for the submission of remedies
- possibility of voluntary waiver of confidentiality
- notification fees.

# OVERVIEW OF ACTIVITIES CARRIED OUT IN 2014



## Decisions of the Commission



- Complaints for infringements
- Interim Measures
- Dismissed Complaints
- Notifications of Concentrations
- Ex Officio Investigations

# Decision No.: 42/2014



Ex-officio investigation against the Pancyprrian Organisation of Cattle Farmers (POCF) Public Ltd for alleged infringements of articles 3 or/and 6 of the national law and articles 101 or/and 102 of TFEU.

**Total fine:** €2.100.000 on the Pancyprrian Farmers' Association for the infringement of articles 3(1)(a), 3(1)(b) and 6(1)(a) of the National Law.

# 2014: Dawn Raids



- (1) In **May 2014**, a Dawn Raid was carried out in the offices and premises of a supplier of glucose measurement equipment, as part of an ex officio investigation of the CPC.
- (2) In **October 2014**, a Dawn Raid was carried out in the offices and the premises of 2 undertakings, as part of an ex officio investigation of the CPC in the fresh pasteurised milk market.



# 2014: Statements of Objections



The CPC proceeded with the issuing of 21 statements of objections, in 6 cases related to the fields of:

- Automotive spare parts (2),
- Payment card services (10),
- Marine equipment (1),
- Telecommunications and Pay TV market (3),
- Airport management services (1), and
- Automotive fuel market (4)

# 2014 : Notifications of Concentrations



- 22 notifications of Concentrations between undertakings.
- issuance of clearance decisions to 27 at Phase One.
- for 2 notifications the parties failed to notify the concentration within the time period foreseen in the Law and administrative fines were imposed.
- 1 decision after the completion of a Phase Two investigation, clearing a concentration by imposing a number of behavioural and structural remedies.

# Sector Inquiry Decision



- Decision to launch sector inquiry regarding automotive fuels, heating oil and gas (LPG) in **December 2014**.

- Aim: examination of all levels of the market – import, storage, distribution, wholesale and retail sales.

# Sector Inquiry



→ Sector inquiries entail data collection and do not directly concern any individual enterprise.

→ Following a Sector Inquiry, the CPC may investigate relevant individual cases, but this is by no means a certainty.

# OVERVIEW OF ACTIVITIES CARRIED OUT IN 2015



In 2015 the CPC has:

- Issued 5 infringement decisions - administrative fines amounting to €27.7 million approximately
- Conducted dawn raids in 22 enterprises
- Commenced 3 ex-officio investigations
- Issued 12 Statements of Objections, and
- Examined 15 notifications of Concentrations and issued clearance decisions at Phase One.

# Decision No.: 04/2015



Complaint by G&G Rementzo Ltd against LALIZAS S.A

**Total Fine:** €39.667,34 on LALIZAS for the infringement of sections 3(1)(a), 3(1)(c) of the National Law and articles 101(1)(a) and 101(1)(c) of TFEU.

# Decision No.: 07/2015



Complaint and application for interim measures by  
PrimeTel Co Ltd against Cyprus  
Telecommunications Authority Ltd (CYTA)

**Total Fine:** €1.016.425 on CYTA for the  
infringement of sections 6(1)(a) και 6(1)(b) of the  
National Law.

# Decision No.: 11/2015



Complaint by Chr. Kapodistrias & Sons Ltd and Kyros Auto Services Ltd against Daimler AG and Cyprus Import Corporation Ltd (CIC)

**Total fine:** € 20.000.0000 on Daimler AG and €700.000 on CIC for the infringement of section 3(1)(b) of the National Law and article 101(1) (b) of TFEU.



# Decision No.: 13/2015



Ex-officio investigation against Cyprus Telecommunication Authority (CYTA) and Forthnet SA and/or Multichoice Hellas SA

**Total Fine:** €2.900.000 on CYTA and €2.250.000 on Forthnet for breaches of sections 3 (1)(a), (b) and (c) of the National Law and articles 101(1)(a), (b) and (c) of the TFEU.

# Decision No.: 20/2015



Complaint by Demstar Rentals Ltd against Hermes Airports Ltd

**Total Fine:** €750.000 on Hermes (the airport operator) for infringement of section 6(1)(a) of the National Law.

# 2015: Statement of Objections



In 2015, the CPC proceeded with the issuing of 11 statements of objections so far, in 3 cases related to the markets of:

- the fresh cow milk and milk based products (1)
- electronic communications (1)
- bid rigging - ready mix concrete (9)
- airport parking services (1).

# 2015: Dawn Raids



(1) In **January 2015**, a dawn raid was conducted in the premises of two undertakings. This investigation was conducted following a complaint submitted by the Cyprus Association of Convenience Stores for alleged infringement of Section 3(1) of the Law and concerns the market of fine-cut tobacco .

# 2015: Dawn Raids



(2) In **February 2015**, a dawn raid was carried out in the offices and the premises of 7 ready –mix concrete suppliers, on the basis of :

(a) an ex officio investigation by the CPC regarding the possibility of bid rigging of three public tenders for ready mix concrete (between 11/2011 and 6/2012), and

(b) an ex officio investigation by the CPC regarding the possibility of anti-competitive cooperation, in the market of ready-mix concrete, and more specifically in its production, trade, distribution and installment.

# 2015: Dawn Raids



(3) In **June 2015**, a dawn raid was conducted in the offices of 10 major construction companies, on the basis of an ex officio investigation into the suspected bid rigging of road, motorway and junctions periodic maintenance public tenders, between 2007 and 2014.

(4) In **June 2015**, a dawn raid was conducted in the offices of 3 major construction companies, on the basis of an ex officio investigation regarding the construction of the second phase of Larnaca's sewerage system.

# 2015: Decisions on notifications of concentrations



- In relation to notified concentrations the CPC issued 15 clearance decisions
- Decrease of notifications of concentrations in 2015  
> mainly due to the new applicable legal provisions.

# Other activities: 2014-2015



- Opinions to public bodies
- Participation in the ECN – European Competition Network



# CONCLUDING REMARKS



The Cyprus Commission for the Protection of Competition:

- active in applying competition law,
- committed to continue towards ensuring that fair competition conditions prevail in the Cypriot market.



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THANK YOU FOR YOUR  
ATTENTION