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Competition damages actions in Cyprus

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Directive 2014/104/EU of the European Parliament and of the Council of 26 November 2014 on certain rules governing actions for damages under national law for infringements of the competition law provisions of the Member States (the "**Damages Directive**") is fully transposed into Cyprus law.

The Cypriot competition damages framework allows a party that has suffered harm as a result of an infringement of competition law to pursue an action claiming damages from the infringing undertaking. Damages pursued under such action can include actual loss suffered as well as profit that the claimant was deprived of, plus interest.

An overview of the key provisions of competition damages actions in Cyprus:

Disclosure of evidence

- Courts can order parties to disclose evidence when compensation is claimed
- a statutory mechanism exists for the protection of confidential business information disclosed in the context of judicial proceedings
- Courts can order for the disclosure of evidence in the records of the Commission for the Protection of Competition (**CPC**)

Claims

- Any undertaking, whether a direct or indirect purchaser, that has suffered harm may claim compensation
- The claimant carries the burden of proof for a passing-on of an overcharge
- Aggrieved parties are allowed 6 years to claim damages following the CPC's final decision on the infringement

Proof of infringement

- A final decision of the CPC on an infringement automatically constitutes proof of that infringement before the courts of the EU country in which the infringement took place
- Final national decisions on infringements by national competition authorities or courts can be presented as prima facie evidence

Liability

- Where several undertakings infringe the competition rules together, they are held jointly and severally liable for the entire damage
- An undertaking that co-infringes has the right to obtain a contribution from other co-infringers if it has paid more compensation than its share

- Small to medium enterprises are liable only towards their own direct or indirect purchasers

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