

I. ADMINISTRATIVE ENFORCEMENT	
Which administrative mechanisms are available to enforce the Directives?	<p>(1) In Cyprus, the below Directives are implemented by the following national laws:</p> <ul style="list-style-type: none"> • Directive 1999/44/EC (Consumer Sales and Guarantees) is implemented by the Certain Aspects of the Sale of Consumer Goods and Associated Guarantees Law 7(I)/2000 (the “Consumer Sales and Guarantees Law”); • Directive 2011/83/EU (Consumer Rights) is implemented by the Consumer Rights Law 133 (I)/2013 (the “Consumer Rights Law”); • Directive 98/6/EC (Price Indication) is implemented by the Indication of the Selling Price and the Price Unit of Products offered to the Consumers Law 112(I)/2000 (the “Price Indication Law”); • Directive 93/13/EEC (Unfair Contract Terms) is implemented by the Unfair Terms in Consumer Contracts Law 93(I)/1996 (the “Unfair Contract Terms Law”); • Directive 2005/29/EC (Unfair Commercial Practices) is implemented by the Unfair Commercial Practices From Business to Consumers Law 103(I)/2007 (the “Unfair Commercial Practices Law”); • Directive 90/314/EEC (Package Travel) is implemented by The Package Travel, Holidays and Tours Law 51(I)1998 (the “Package Travel Law”); • Directive 2006/114/EC (Misleading and Comparative Advertising) is implemented by the Control of Misleading and Comparative Advertising Law 92(I)/2000 (the “Misleading and Comparative Advertising Law”); • Directive 2008/122/EC (Timeshare) is implemented by the Timeshare Contract, Long-term Holiday Products, Resale and Exchange Law 34(I)/2011 (the “Timeshare Law”), <p>hereinafter, the foregoing laws, collectively referred to as the “Consumer Laws”.</p> <p>(2) Directive 2009/22/EC (Injunction Directive), which constitutes codification of Directive 98/27/EC, has been implemented into national law by the Protection of the Collective Interests of the Consumers Law 101(I) 2007 (the “Injunction Law”). Under the Injunction Law, any qualified entity (EU qualified entity or Cyprus qualified entity) may file a Petition (as the term is defined under Section II herein below) against any person who in the petitioner’s view is involved or responsible for any infringement offending the consumers’ collective interests which the qualified entity protects. The Cyprus qualified entities are: (i) the CPS (as the term is defined herein below), (ii) the Cyprus Consumers Association (relevant reference is made herein below), and (iii) the Pancyprian Union of Consumers and Quality of Life (relevant reference is made herein below).</p> <p>(3) The competent administrative authority responsible for the general enforcement of the Consumer Laws is the Director of the Consumer Protection Service (the “CPS”), which is one of the services of the Ministry of Energy, Commerce, Industry and Tourism of the Republic of Cyprus (the “MECIT”).The general enforcement of the Unfair Commercial Practices Law and the Consumer Rights Law, may be handled, except for the Director of the CPS, by any officer of the CPS authorised in writing by the Director to act on his behalf. The general enforcement of the Misleading and Comparative Advertising Law, may be</p>

<p>Who can file administrative complaints? Can investigations be initiated ex officio?</p>	<p>handled, except for the Director of the CPS, by any officer of the CPS. The CPS proactively enforces the consumer rights related to the provisions of the Consumer Laws and is also competent for receiving administrative complaints. The general website of the CPS can be found at: www.consumer.gov.cy. The CPS can be contacted by e-mail at ccps@mcit.gov.cy and via telephone at +357 22 200900 or via the Consumer Helpline at 1429 for practical advice, information, suggestions and complaints.</p> <p>(4) Complaints relating to foodstuffs, feeding stuffs, pharmaceuticals, cosmetics, electrical equipments or construction materials do not fall within the competence of the CPS and should be filed with the respective competent bodies of each sector.</p> <p>(1) <u>Consumer Rights Law</u>: natural or legal persons who have legitimate interest. In particular, under the foregoing law the following persons have legitimate interest: (a) public bodies or their representatives; (b) consumers whom their rights are directly affected by the violation of the provisions of the law; (c) lawfully established organisations or associations, which by law or under their memorandum and articles of association, have within their objectives, the protection of the consumers; (d) professional organisations having a legitimate interest in acting.</p> <p>(2) <u>Unfair Commercial Practices Law</u>: natural or legal persons who have legitimate interest. In particular, under the foregoing law the following persons have legitimate interest: (a) consumers directly affected by an unfair commercial practice; (b) lawfully established organisations or associations, which by law or under their memorandum and articles of association, sufficiently establish legitimate interest to combat unfair commercial practices; (c) competitors of the complaining person against whom an order is sought.</p> <p>(3) <u>Timeshare Law</u>: the following entities: (a) public bodies and authorities or their representatives; (b) consumer organisations having a legitimate interest in protecting consumers; (c) professional organisations having a legitimate interest in acting.</p> <p>(4) <u>Misleading and Comparative Advertising Law, Consumer Sales and Guarantees Law and Unfair Contract Terms Law</u>: no explicit choice.</p> <p>(5) <u>Package Travel Law and Price Indication Law</u>: Even though the Package Travel Law and the Price Indication Law do not explicitly provide for filing of administrative complaints, in practice, the CPS, being the competent authority handling the general enforcement of the Consumer Laws, including the foregoing laws, accepts filing of and examines any administrative complaint filed for infringement of the Package Travel Law and the Price Indication Law.</p> <p>(6) Notwithstanding the above, any person may file a complaint with the CPS.</p> <p>(7) Investigations under the Consumers Laws can be initiated ex officio.</p> <p>(8) The lawfully established consumer organisations/associations/unions in Cyprus are the following:</p> <p><u>Cyprus Consumers Association</u>: a non-profit organization which was established 40 years ago to promote and safeguard the consumers' interests in Cyprus. Cyprus Consumers Association can be found at www.cyprusconsumers.org.cy / www.katanalotis.org.cy and the headquarters can be contacted via email at info@katanalotis.org.cy</p>
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	<p>and/or via telephone at +357 22 516112 and/or via local consumer helpline at 70 000 700; and</p> <p><u>Pancyprian Union of Consumers and Quality of Life</u>: an independent, non-party, non-profit and non-governmental organization having in its objectives, inter alia, the promotion of measures for the immediate and compulsory implementation of the <i>acquis communautaire</i> for the effective protection of the Cypriot consumer. Pancyprian Union of Consumers and Quality of Life can be found at www.consumersunion.org.cy and can be contacted via email at consumersunion@cytanet.com.cy and/or via telephone at +357 22313111.</p>
<p>Do any specific procedural requirements apply to filing administrative complaints?</p>	<p>The Consumer Laws do not provide for any specific procedural requirements. In practice (except that the CPS recommends the consumers, before the submission of a complaint, to contact the traders/sellers orally communicating to them the problem and asking for their rights) no other specific procedural requirements apply to filing administrative complaints with the CPS.</p> <p>A complaint can be addressed to the CPS as follows:</p> <p>(a) by submitting a prescribed online complaint form. The CPS provides a self-explanatory online step-by-step process on their website which can be found at www.consumer.gov.cy; or</p> <p>(b) by sending a written letter; or</p> <p>(c) by visiting the CPS's offices; or</p> <p>(d) by calling the Consumer Helpline at 1429.</p>
<p>Do the administrative authorities have an obligation to investigate the complaint?</p>	<p>Under the Consumer Laws, the CPS, following the filing of a complaint or acting on its own initiative, is under a duty to examine any infringement of the Consumer Laws. Following the filing of a complaint, the CPS proceeds with a preliminary assessment of the complaint and if it ascertains that such complaint falls within the ambit of any of the Consumers Laws and is caught under its competence, initiates investigation. Subject to the foregoing, the CPS investigates each and every complaint it receives.</p> <p>The CPS's yearly reports form part of the MECIT's yearly reports and can be found on the MECIT's website at: http://www.mcit.gov.cy/mcit/mcit.nsf/All/ADA4B432DC39CF58C2257A220024063E?OpenDocument. However, the data contained therein constitute a general overview of the CPS's activities over the year, including, without limitation, certain numbers e.g. number of complaints, but are not very detailed.</p> <p>The CPS keeps internal detailed reports which until now were not publicized. As per the CPS's recent resolutions, such reports shall commence being published in the near future.</p>
<p>Are there any specific requirements regarding the provision of evidence to the competent authorities?</p>	<p>The Consumer Laws do not provide for any specific requirements regarding the provision of evidence. In practice, the CPS requires the submission of supporting documents such as receipts, invoices, warranties, advertisements or labels in order to have a complete overview of the transaction and be in a position to preliminary assess if a complaint falls within the ambit of any of the Consumers Laws and to further ascertain whether there is an infringement thereof.</p>
<p>II. ENFORCEMENT THROUGH COURT ACTION</p>	
<p>Which court actions are available to enforce the Directives?</p>	<p>(1) <u>Consumer Rights Law, Unfair Commercial Practices Law, Unfair Contract Terms Law, Consumer Sales and Guarantees Law and Timeshare Law</u>: The court action available to enforce the foregoing laws is:</p>

Petition (Originating Summons) to civil courts (the “**Petition**”) for the issue of prohibitory or mandatory injunction/order, including an interim order.

The Petition may be filed against any person who in the petitioner’s view is involved or responsible for such infringement.

(2) Misleading and Comparative Advertising Law: The court action available to enforce the foregoing law is:

The Petition that may be filed against any person who in the petitioner’s view is involved or it is possible to be involved in the publishing or publication of a misleading or non-acceptable comparative advertisement.

(3) Package Travel Law: The court actions available to enforce the foregoing law are:

Court case filed with the criminal courts against a person who infringes the following articles: article 4 (article 3(1) of Directive 90/314/EEC (Package Travel)), article 5(1) (article 3(2) of Directive 90/314/EEC (Package Travel)), article 5(2) (no respective article in Directive 90/314/EEC (Package Travel)), article 7(a),(b) and (c) (article 4(1)(a) of Directive 90/314/EEC (Package Travel)), article 8(a), (b), (c) and (d) (article 4(1)(b)(i), (ii), (iii) and (iv) of Directive 90/314/EEC (Package Travel)), article 9(1)(a), (b) and (c) (article 4(2)(a) and (b) of Directive 90/314/EEC (Package Travel)), 16(1) (article 7 of Directive 90/314/EEC (Package Travel)), 16(2) (article 8 of Directive 90/314/EEC (Package Travel)). Infringement of the foregoing articles constitutes a criminal offence.

Application to the criminal court, during a trial for commission of a criminal offence, for the issue of an interim order requiring (a) immediate termination of any act or omission related to the offence under trial, and/or (b) cancellation of a package travel, and/or (c) return of any amounts paid with or without interest, and/or (d) at the court’s opinion any other corrective measures within a specific deadline in order to lift the consequences of any such act or omission until the final adjudication of the offence.

(4) Price Indication Law: The court action available to enforce the foregoing law is:

Court case filed with the criminal courts against a person who infringes the provisions of the foregoing law. Infringement of the provisions of the foregoing law constitutes a criminal offence.

Who can start a court action?	<p>(1) <u>Consumer Rights Law</u>: the CPS and natural or legal persons who have legitimate interest. In particular, under the foregoing law the following persons have legitimate interest: (a) public bodies or their representatives; (b) consumers whom their rights are directly affected by the violation of the provisions of the law; (c) lawfully established organisations or associations, which by law or under their memorandum and articles of association, have within their objectives, the protection of the consumers; (d) professional organisations having a legitimate interest in acting.</p> <p>(2) <u>Unfair Commercial Practices Law</u>: the CPS and natural or legal persons who have legitimate interest. In particular, under the foregoing law the following persons have legitimate interest: (a) consumers directly affected by an unfair commercial practice; (b) lawfully established organisations or associations, which by law or under their memorandum and articles of association, sufficiently establish legitimate interest to combat unfair commercial practices; (c) competitors of the complaining person against whom an order is sought.</p> <p>(3) <u>Unfair Contract Terms Law</u>: the Director of the CPS. The Petition may be filed against various sellers or suppliers, jointly or separately, of the same business section, or against their associations that use or recommend the use of the same or similar unfair terms for general use.</p>
	<p>(4) <u>Consumer Sales and Guarantees Law</u>: the CPS.</p> <p>(5) <u>Timeshare Law</u>: the CPS and (a) public bodies and authorities or their representatives; (b) consumer organisations having a legitimate interest in protecting consumers; and (c) professional organisations having a legitimate interest in acting.</p> <p>(6) <u>Package Travel Law</u>: a court case filed with the criminal courts may be filed by the Chief Officer of the competent police to which a complaint has been filed. In addition, the foregoing law explicitly allows court cases to be filed also by (a) the CPS, and (b) lawfully established organisations or associations, which by law or under their memorandum and articles of association sufficiently establish legitimate interest in protecting the collective interests of their members or the consumers in general.</p> <p>(7) <u>Price Indication Law</u>: a court case filed with the criminal courts may be filed by the Chief Officer of the competent police to which a complaint has been filed.</p>
Can court actions be initiated by competitors?	Under the Unfair Commercial Practices Law, competitors of the complaining person against whom an order is sought may file a Petition.
Can the case be handled through an accelerated procedure?	The Consumer Laws do not make any reference to an accelerated procedure. However, Cyprus civil procedure rules give this discretion to the court.
Are there any specific requirements regarding the provision of evidence to the court?	<p>(1) <u>Unfair Commercial Practices Law, Unfair Contract Terms Law, Timeshare Law, Consumer Sales and Guarantees Law and Misleading and Comparative Advertising Law</u>: The foregoing laws do not provide for specific requirements regarding the provision of evidence to the court. The general evidence rules on civil procedures, under applicable law, apply.</p> <p>(2) <u>Package Travel Law and Price Indication Law</u>: The foregoing laws do not provide for specific requirements regarding the provision of evidence to the court. The general evidence rules on criminal procedures and, where applicable, on civil procedures, under applicable law, apply.</p>

Are there specific procedural reliefs for consumers or consumer associations?	The Consumers Laws do not contain any provisions on this matter. In general, under the Legal Aid Law 165(I)/2002, legal aid may, subject to the court's decision, be granted for cross-border civil disputes (except for tax, customs and administrative disputes) brought before the Cyprus courts i.e. where the applicant requesting legal aid is an EU citizen or at the time of submission of an application is resident or has his habitual residence in a member state other than the Republic. The foregoing law does not make any specific reference to consumers or consumer associations.
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III. SANCTIONS

What are the possible civil sanctions and remedies for the infringement of the provisions of the	(1) <u>Consumer Rights Law, Unfair Commercial Practices Law, Timeshare Law and Consumer Sales and Guarantees Law</u> : the competent court, when examining a Petition, may issue a prohibitory or mandatory injunction/order, including an interim order, ordering: (a) immediate termination and/or non-repetition of the occurred infringement; (b) corrective measures as deemed proper by the court, within specific deadline, in order to bring about the redress of the infringement; (c) publication of the court's decision, in whole or in part or the publication of a corrective statement in order to clear any continuing effects of the infringement; and (d) any other measure or action deemed necessary or reasonable under the circumstances of the particular case. The injunction/order
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Directives?	<p>issued by the court may relate not only to specific acts, omissions or conduct of the infringer but also to similar future acts, omissions or conduct thereof.</p> <p>(2) <u>Unfair Contract Terms Law</u>: the competent court, when examining a Petition, may issue a prohibitory or mandatory injunction/order, including an interim order, ordering the sanctions/remedies as those are listed under the foregoing paragraph (1). The injunction/order issued by the court, may relate not only to the use of a specific unfair term for general use but to the use of any similar unfair term, or a term that has the same consequences for the consumer and is used or is intended to be used by that person.</p> <p>(3) <u>Package Travel Law</u>: the competent court, when examining an application for the issue of an interim order during the trial for commission of a criminal offence, the following sanctions/remedies may be ordered: (a) immediate termination of any act or omission related to the offence under trial, and/or (b) cancellation of a package travel, and/or (c) return of any amounts paid with or without interest, and/or (d) at the court's opinion any other corrective measures within a specific deadline in order to lift the consequences of any such act or omission until the final adjudication of the offence.</p> <p>(4) <u>Misleading and Comparative Advertising Law</u>: the competent court, when examining a Petition, may issue a prohibitory or mandatory injunction/order, including an interim order, ordering the following sanctions/remedies: (a) immediate termination and/or non-repetition of the occurred infringement; (b) ban of the advertisement, if the misleading advertisement or the non-acceptable comparative advertisement has not yet been published, however its publication is imminent; (c) corrective measures as deemed proper by the court, within specific deadline, in order to bring about the redress of the infringement; (d) any other measure or action deemed necessary or reasonable under the circumstances of the particular case; and (e) publication of the court's decision, in whole or in part and publication of a corrective statement in order to clear any continuing effects of the infringement.</p> <p>(5) <u>The Price Indication Law</u>: does not provide for civil sanctions/remedies.</p>
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What are the possible criminal sanctions for the infringement of the Directives' provisions?

(1) Package Travel Law: The following criminal sanction may be imposed, by the competent court, in cases of infringement of the provisions of the foregoing law:

- a fine not exceeding EUR 10.000 may, in the event of conviction, be imposed to persons who breach the following articles of the foregoing law: article 4 (article 3(1) of Directive 90/314/EEC (Package Travel)), article 5(1) (article 3(2) of Directive 90/314/EEC (Package Travel)), article 5(2) (no respective article in Directive 90/314/EEC (Package Travel)), article 7(a),(b) and (c) (article 4(1)(a) of Directive 90/314/EEC (Package Travel)), article 8(a), (b), (c) and (d) (article 4(1)(b)(i), (ii), (iii) and (iv) of Directive 90/314/EEC (Package Travel)), article 9(1)(a), (b) and (c) (article 4(2)(a) and (b) of Directive 90/314/EEC (Package Travel)), 16(1) (article 7 of Directive 90/314/EEC (Package Travel)), 16(2) (article 8 of Directive 90/314/EEC (Package Travel)).

Irrespective of the foregoing, the Package Travel Law provides that the following criminal sanctions may be imposed, by the competent court, to persons who (a) deliberately hinder an authorized officer of the CPS to exercise the powers it has under the provisions of the foregoing law; or (b) deliberately fail to comply with any legal requirement of an authorized officer of the CPS under article 28, including, inter alia, to provide information, data, books or documents; or (c) without reasonable cause fail to provide, within a reasonable time not exceeding 15 working days, the foregoing authorized officer with any other help or information which reasonably such member would ask for in order to meet its duties under the foregoing law; or (d) in providing any of the information of the foregoing paragraph, knowingly or thoughtlessly, make an inaccurate statement:

- a fine not exceeding CYP£1.000 (approximately EUR 1.700); and in case of a second or subsequent conviction, in addition to the fine of CYP£1.000 (approximately EUR 1.700), suspension of their business.

(2) Price Indication Law: The following criminal sanctions may be imposed, by the competent court, in cases of infringement of the provisions of the foregoing law:

- a fine not exceeding CYP£1.000 (approximately EUR 1.700), or
- imprisonment of no more than 6 months, or
- both of the foregoing sanctions.
- in case of any subsequent conviction, imprisonment of no more than 1 year, or a fine not exceeding CYP£2.000 (approximately EUR 3.500), or both of the foregoing sanctions.

Irrespective of the foregoing, the Price Indication Law provides that the following criminal sanctions may be imposed, by the competent court, to persons who (a) deliberately hinder an officer of the CPS to exercise the powers it has under the provisions of the foregoing law; or (b) without reasonable cause fail to provide the foregoing officer with any other help or information which reasonably such officer asks in order to meet its duties under the foregoing law:

- a fine not exceeding CYP£1.000 (approximately EUR 1.700), or
- imprisonment of no more than 6 months, or
- both of the foregoing sanctions.

Furthermore, the Price Indication Law provides that the following criminal sanctions may be imposed, by the competent court, to persons who, when providing any information to the officer of the CPS, knowingly make inaccurate statement:

- a fine not exceeding CYP£1.000 (approximately EUR 1.700), or imprisonment of no more than 6 months.

(3) Consumer Rights Law: The foregoing law does not provide for criminal sanctions in cases of infringement of its provisions.

Irrespective of the foregoing, the Consumer Rights Law provides that the following criminal sanctions may be imposed, by the competent court, to persons who (a) conceal, destroy or falsify information, data, books or documents, or provide an officer of the CPS with false, incomplete, inaccurate or misleading information, data, books or documents, or refuse to provide an officer of the CPS with information, data, books or documents where such information, data, books or documents are required by the officer of the CPS while exercising its powers granted to him by the foregoing law; or (b) move, change or interfere, in any manner, without permission of the officer of the CPS, to any means of transport or good which the officer of the CPS withheld or impounded pursuant to the provisions of the foregoing law; or (c) fail to comply with the administrative sanction imposed to them for immediate or within a specific deadline termination of the occurred infringement and refrain from repeating it in the future (refer to Administrative Sanctions section below – sanction under paragraph 1 (a)):

- a fine not exceeding EUR 100.000, or
- imprisonment of no more than 6 months, or
- both of the foregoing sanctions.

(4) Unfair Commercial Practices Law: The foregoing law does not provide for criminal sanctions in cases of infringement of its provisions.

Irrespective of the foregoing, the Unfair Commercial Practices Law provides that the following criminal sanctions may be imposed, by the competent court, to persons who (a) conceal, destroy or falsify information, data, books or documents, or provide an officer of the CPS with false, incomplete, inaccurate or misleading information, data, books or documents, or refuse to provide an officer of the CPS with information, data, books or documents where such information, data, books or documents are required by the officer of the CPS while exercising its powers granted to him by the foregoing law; or (b) move, change or interfere, in any manner, without permission of the officer of the CPS, to any means of transport or good which the officer of the CPS withheld or impounded pursuant to the provisions of the foregoing law; or (c) fail to comply with the administrative sanction imposed to them for termination, where they are able to do so, of the practices which have been declared unfair commercial practices based on a court ruling or the commercial practices which the CPS has found to be unfair commercial practices (refer to Administrative Sanctions section below – paragraph 2, sanction 1(f)):

- a fine not exceeding CYP£50.000 (approximately EUR 85.500); or
- imprisonment of no more than 6 months, or
- both of the foregoing sanctions.

(5) Timeshare Law: The foregoing law does not provide for criminal sanctions in cases of infringement of its provisions.

Irrespective of the foregoing, the Timeshare Law provides that the following criminal sanctions may be imposed by the competent court to persons who (a) refuse to provide an officer of the CPS with information, data, books or documents where such information, data, books or documents are required by the officer of the CPS while exercising its powers granted to him by the foregoing law; or (b) hinder an officer of the CPS to exercise the powers it has under the provisions of the foregoing law:

- a fine not exceeding EUR 50.000

(6) The Unfair Contract Terms Law, Consumer Sales and Guarantees Law and Misleading and Comparative Advertising Law: do not provide for criminal sanctions.

What are the possible administrative sanctions for the infringement of the Directives' provisions?

(1) Consumer Rights Law: The foregoing law provides that, where the CPS, following investigation of a complaint or on its own initiative, ascertains any infringement of the foregoing law, the CPS has the authority to impose the following administrative sanctions:

(a) to order or direct the infringer, or any person who in the CPS's view is involved or responsible for such infringement, or any person who in the CPS's view, where an infringement has yet to be made but where in the reasonable view of the CPS is impending, even if actual loss or damage, or deliberate act or negligence by the trader are not proven, to, immediately or within a specific deadline, terminate the infringement and refrain from repeating it in the future;

(b) to publish or require the infringer to publish the CPS's decision in whole or in part, in the format and in the manner it deems suitable;

(c) to require from the infringer, in addition, to publish a corrective statement in the format and in the manner it deems suitable under the circumstances;

(d) to impose, following approval by the General Manager of the MECIT, an administrative fine, depending on the nature, seriousness and duration of the infringement, of up to 5% of the infringer's turnover during the year preceding the infringement or a fine of an amount up to EUR 200.000; provided that in relation to a foundation or organization that does not have a turnover, the basis for calculation of the administrative fine shall be 5% of its total assets instead of its turnover; provided further that under no circumstances the administrative fine shall exceed the amount of EUR 200.000;

(e) to decide, in the event of a continuous infringement, that an administrative fine of up to EUR 1.000 is imposed for each day that the infringement continues, depending on the seriousness of the infringement;

(f) to order suppliers of remote media and any persons who publish or arrange for the publication of advertisements, to terminate, where they are able to do so, the practices which have been declared unlawful based on a court ruling or the advertisements which the CPS has found to infringe the foregoing law.

During the foregoing investigation, the CPS may, if deemed appropriate, take into consideration any commitment made to the consumer by or on behalf of the infringer, in respect of the committed infringement and the perspective of time and manner for removing or remedying such infringement.

The imposed administrative fines referenced under paragraph (1) (d) and (e) above, are charged as monetary fines imposed by the court in the course of criminal proceedings.

In addition to the foregoing, the CPS may impose the administrative fine referenced under paragraph (1) (d) herein above, in the following cases:

- (i) to the producer or distributor, as applicable, when they do not provide the CPS with the required documents or information related to certain goods, within a specific deadline, or where they hinder in any way such procedures or where they provide false or misleading information;
- (ii) to any person who deliberately hinders a member of the CPS to exercise the powers it has under the provisions of the foregoing law;
- (iii) to any person who fails to comply with the imposed administrative sanction referenced under paragraph (1) (a) herein above. In the event of a continuous breach of the order, the CPS may impose the administrative fine referenced under paragraph (1) (e) herein above for each day of breach of the order.

(2) Unfair Commercial Practices Law: The foregoing law provides that, where the CPS, following investigation of a complaint or on its own initiative, ascertains any infringement of the foregoing law, the CPS has the authority to impose the administrative sanctions as those are listed under paragraph (1)(a), (b), (c), (d), (e) and (f) above for the Consumer Rights Law, with the following variations: sanction 1(a) refers to “..where an unfair commercial practice has yet to be made..”; for sanction (1)(d) the administrative fine is up to EUR 500.000 and the prior approval by the General Manager of the MECIT is not a requirement; provided that under no circumstances the administrative fine shall exceed the amount of EUR 500.000; provided further that in the case of insurance companies the basis for calculation of the administrative fine shall be, instead of its turnover, the value of the uncleared premiums of the last financial year, including the received amounts and the amounts to be received under the insurance contracts as well as the reinsurance premiums assigned to reinsurers; for sanction (1)(e) the administrative fine is up to EUR 5.000 for each day of infringement; and sanction 1(f) refers to “... the practices which have been declared unfair commercial practices based on a court ruling or the commercial practices which the CPS has found to be unfair commercial practices”.

In accordance to the provisions of the Unfair Commercial Practices Law, during the foregoing investigation, the CPS may, if deemed appropriate, take into consideration any commitment made to the consumer by or on behalf of the infringer, in respect of the committed infringement and the perspective of time and manner for removing or remedying such infringement.

The imposed administrative fines referenced above, are charged as monetary fines imposed by the court in the course of criminal proceedings.

Further to the above, a guide of July 2015 published by the CPS (the “**Guide**”), clarifies the criteria and refers to additional aggravating and mitigating factors to be taken into account when deciding on the amount of the administrative fines to be imposed under 1(d) and (e) above for infringements of the Unfair Commercial Practices Law. As mentioned above, in accordance to the Unfair Commercial Practices Law, the CPS has the authority to impose administrative fines depending on the “nature”, “seriousness” and “duration” of the infringement. The Guide clarifies that the CPS, when examining the “nature” of the infringement, should take into account, inter alia, the kind and the use of the product or the service, the resonance it has to the wide or less wide public, the period of time that the infringement took place, the mass degree of the medium used to approach consumers and the fact that the commercial practice did not have the primary objective of selling a particular product but of attracting customers.

With regards to the “seriousness” of the infringement, the Guide clarifies that the CPS should take into account whether the practice is included in the black list of unfair commercial practices, if there was an intention by the infringer or not, if vulnerable groups of consumers such as kids, elderly or disabled persons were targeted and the financial benefit the infringer would earn by every consumer who would be misled regardless of whether he was eventually misled or not. With regards to the “duration”, the calculation should be made starting from the date the commercial practice came into force until the date it terminated.

In addition, the Guide provides that the CPS should take into account the following, inter alia, mitigating or aggravating factors: if the infringer compensated the consumer for the damage suffered, if the infringement was terminated immediately or within the specified timeframe ordered by the CPS, if the infringer cooperated with the CPS, if previous convictions exist, if the infringer acted intentionally or fraudulently and the financial benefit. In accordance to the Guide, the CPS should take into account that in accordance to article 13 of the Directive 2005/29/EC (Unfair Commercial Practices) “the sanctions must be effective, proportionate and dissuasive”. Therefore, based on the foregoing, the Guide clarifies that the foregoing aggravating or mitigating factors may not be taken into account or may be amended accordingly, if the CPS considers, during the examination of the infringement, that their application is inappropriate as they are likely to have a significant effect on the effective, proportionate and dissuasive role of the administrative fine or it is likely to increase the fine to a level that is disproportionate to that of the infringement.

(3) Timeshare Law: The foregoing law provides that, where the CPS, following investigation of a complaint or on its own initiative, ascertains infringement of any prohibitive or protective to the consumers provision of the foregoing law, the CPS has the authority to impose, either alternatively or cumulatively, depending on the nature, seriousness and duration of the infringement, the administrative sanctions as those are listed under paragraph (1)(a), (d) and (e) hereinabove for the Consumer Rights Law, with the following variations: for sanction (1)(a) the order or direction is addressed only to the infringer to terminate, within a specific deadline, the infringement and refrain from repeating it in the future. Where the infringement was terminated before the issue of the CPS’ decision, the CPS to confirm such infringement through a decision; for sanction (1)(d) the administrative fine is, depending on the nature, seriousness and duration of the infringement, of up to 5% of the infringer’s turnover during the year which the infringement took place or during the year preceding the infringement, and for sanction (1)(e) the administrative fine ranges, depending on the nature and seriousness of the infringement, between EUR 85 - EUR 1.700 for each day of infringement.

During the foregoing investigation, the CPS may, if deemed appropriate, take into consideration any commitment made to the consumer by or on behalf of the infringer, in respect of the committed infringement and the perspective of time and manner for removing or remedying such infringement.

When the infringement is committed by a legal person or a person acting on behalf of a legal person and it is established that the infringement has been committed with the consent, connivance or approval or has been facilitated with the demonstrated negligence of a director, manager, secretary or other officer of such legal entity or of an individual who appears to be acting in such capacity, then that person, as well as the legal person are both guilty for the infringement.

(4) Misleading and Comparative Advertising Law: The foregoing law provides that, where the Director of the CPS, following investigation of a complaint or on its own initiative, ascertains any infringement of the foregoing law, the Director of the CPS has the authority to impose, either alternatively or cumulatively, depending on the nature and seriousness of the infringement, the administrative sanctions as those are listed under paragraph (1)(a), (d) and (e) hereinabove for the Consumer Rights Law with the following variations: for sanction (1)(a) the order or direction is to the infringer only to terminate, within a specific deadline, the infringement and refrain from repeating it in the future. Where the infringement was terminated before the issue of the Director's decision, the Director must confirm such termination of the infringement through a decision; for sanction (1)(d) the administrative fine is, depending on the nature, seriousness and duration of the infringement, up to EUR 100.000 and the prior approval by the General Manager of the MECIT is not a requirement, and for sanction (1)(e) the administrative fine ranges, depending on its nature and seriousness of the infringement, between EUR 100 - EUR 1.000 for each day of infringement.

During the foregoing investigation, the CPS may, if deemed appropriate, take into consideration any commitment made to the consumer by or on behalf of the infringer, in respect of the committed infringement and the perspective of time and manner for removing or remedying such infringement.

(5) The administrative fines imposed under paragraphs (1), (2), (3) and (4) hereinabove may be challenged before the minister of MECIT and before the Supreme Court of Cyprus

(6) The Unfair Contract Terms Law, Package Travel Law, Consumer Sales and Guarantees Law and the Price Indication Law: do not provide for administrative sanctions.

What are the contractual consequences of an administrative order or a judgment on an individual transaction under the Directives?

Administrative orders do not have any contractual impact on individual transactions/contracts. Provided that a court action is brought before the courts, only a court judgment may produce effect on individual transactions/contracts. In general, under Cyprus contract law (a) every agreement of which the object is unlawful e.g. is forbidden by law or defeats the provisions of any Cyprus law is void in whole or in part, depending on the circumstances, (b) where both parties to an agreement are under a mistake as to a matter of fact essential to the agreement, such agreement is void, and (c) when the consent to an agreement is caused by undue influence, coercion, fraud or misrepresentation, such contract is voidable at the option of the party whose consent was so caused.

Can authorities order the trader to compensate consumers who have suffered harm as a result of the infringement?

The CPS has no authority to order compensation to consumers or ensure redress to those who have been harmed as a result of the infringement. Consumers may obtain compensation either through an out-of-court dispute resolution procedure (see below Section IV) or, where applicable, by bringing a civil court action before the courts, provided they prove the suffering of damages.

Can the administrative authorities or the courts require the publication of their decisions?

(1) Consumer Rights Law and Unfair Commercial Practices Law: Under the foregoing laws, the CPS may publish or require the infringer to publish the CPS's decision in whole or in part, in the format and in the manner it deems suitable. Furthermore, the court, with which a Petition was filed, may order the publication of its injunction/order in whole or in part or may order the publication of a corrective notice in order to clear any continuing effects of the infringement.

(2) Timeshare Law and Consumer Sales and Guarantees Law: Under the foregoing laws, the CPS may arrange for the dissemination of the CPS's decisions and the courts' decision/orders. Furthermore, the court, with which a Petition was filed, may order the publication of its injunction/order in whole or in part or may order the publication of a corrective notice in order to clear any continuing effects of the infringement.

(3) Unfair Contract Terms Law: Under the foregoing law, the court, with which a Petition was filed, may order the publication of its injunction/order in whole or in part or may order the publication of a corrective notice in order to clear any continuing effects of the infringement.

(4) Misleading and Comparative Advertising Law: Under the foregoing law, the court, with which a Petition was filed, may order the publication of its final decision, in whole or in part, in the manner it deems suitable, and the publication of a corrective notice in order to clear any continuing effects of the infringement.

(5) Package Travel Law: Under the foregoing law, the court before which a person is convicted may order the publication of its decision or the publication of a corrective notice in order to clear any continuing effects of the infringement.

(6) The Price Indication Law does not provide for publication of administrative authorities' decisions or courts' injunctions/orders.

IV. OTHER TYPES OF ENFORCEMENT

<p>Are there any self-regulatory enforcement systems in your jurisdiction that deal with aspects of the Directives?</p>	<p>The Cyprus Advertising Regulation Organisation known by its Greek acronyms as ΦΕΔ (Φορέας Ελέγχου Διαφήμισης) (hereinafter “CARO”) is involved with misleading and comparative advertising. CARO is a nonprofit company with main object the control of advertisements running in Cyprus to ensure that they are legal, decent, honest, to tell the truth, that they create a spirit of social responsibility and comply with applicable laws and principles of fair competition. The CARO constitutes a communication industry self-regulatory body since in this body all of the three parties concerned take part, i.e.: (a) advertisers, who are the principals of any advertising communications, (b) their advertising agencies, who are the creators of the</p>
	<p>advertisements, and (c) the media, that undertake the registration or transmission of advertisements. The CARO has set up the “Cyprus Code of Conduct on Communication”, which lays down the rules of professional ethics and ethical conduct to be observed towards the consumers by all those involved in advertising, including, without limitation, the advertisers, the advertising agencies and the media (the “Code of Conduct”). The content and structure of the Code of Conduct is based on the content and structure of the similar code of the International Chamber of Commerce (ICC), which, according to the European Advertising Standards Alliance (EASA), is considered to be the international basis for codes of advertising conduct. The CARO created 2 tier committees, the First Degree Committee (primary communications control/first instance decisions) and the Second Degree Committee (secondary communications control/final decisions). The First Degree Committee consists of 6 members (4 people from the communication sector (advertisers, advertising agencies, media) and 2 from the wider social sector) and convenes every time a complaint/application is filed, which in the complainant/applicant’s view does not comply with the provisions of the Code of Conduct. The First Degree Committee invites both sides to submit their views to a scheduled meeting and within 2 working days issues a reasoned decision. The aggrieved party may file an application to the Second Degree Committee requesting re-examination of the challenged advertisement. Both the First Degree and the Second Degree Committees have the authority to request (a) withdrawal / discontinuing of the challenged advertisement, or (b) amendment of the challenged advertisement, in order to be consistent with the Code of Conduct. In the event of non-compliance with CARO’s decisions, CARO informs the media requesting the immediate cessation of the advertisement and uploads relevant reference at its website: www.fed.org.cy. In parallel, CARO informs all interested state bodies such as the MECIT, the Ministry of Interior, the Press and Information Office, the Cyprus Radio Television Authority, as well as other bodies deemed appropriate. In addition, CARO may request publication and promotion of its decision and the non-compliance thereof by the media and / or to ensure visibility from search engines.</p> <p>The decisions of the First Degree Committee can be found at: http://www.fed.org.cy/fed/page.php?pageID=176&mpath=/260/261 and the decisions of the Second Degree Committee can be found at: http://www.fed.org.cy/fed/page.php?pageID=177&mpath=/260/262 .</p> <p>Since CARO implements the advertising ethics for the consumers’ protection, individual consumers and collective consumer bodies do not pay any fee for the control of advertising which, in their view, are contrary to the Code of Conduct.</p>

Are there any out-of-court dispute settlement bodies available that deal with aspects of the Directives (e.g. mediation, conciliation or arbitration schemes ombudsmen) ?	<p>(1) The Out-of-Court Dispute Settlement of Consumers' Claims with referral to Arbitration Law 148(I)/2015 (the "Out-Of-Court Settlements Law") implemented Directive 2013/11/EU (ADR Directive) and is currently in force. However, a draft law under the title "Alternative Dispute Resolution for Consumer Disputes Law of 2017", currently under public consultation, is intended to repeal Out-Of-Court Settlements Law soon, with a view of full harmonization with Directive 2013/11/EU (ADR Directive). Currently, the Out-Of-Court Settlements Law provides for an out-of-court dispute resolution procedure applicable to: (a) any claim stemming from sales contracts or service contracts between a trader and a consumer ("consumer claims") not exceeding the amount of EUR 5.000, excluding interest and expenses, per product in each sales contract, and (b) domestic and cross-border disputes concerning contractual obligations stemming from sales contracts or service contracts between a trader established in the Republic of Cyprus (the "Republic") and a consumer resident in the Republic or in any other EU Member State, through the intervention of an arbitrator (the "Arbitrator") who imposes a resolution or brings the parties together with the aim of facilitating an amicable solution. Consumers may file an application against a particular trader, through the submission of a prescribed form and payment of a fee ranging between EUR 5 - EUR 17 as well as payment of the Arbitrator's fee ranging between EUR 85 - EUR 170 depending on the amount of the claim.</p>
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Applications are filed with the CPS, which is the competent body for receiving applications requesting an out-of-court dispute resolution under the Out-Of-Court Settlements Law. The CPS maintains a register to which traders who wish to participate in the out-of-court settlement procedure are registered (the “**Traders Register**”). Consumers who intend to file an application against a certain trader must obtain such trader’s prior consent for participation to such procedure. Traders that are registered in the Traders Register are deemed to have given their consent. The CPS also maintains a register to which the approved by the minister of MECIT Arbitrators are registered (the “**Arbitrators Register**”). The Arbitrators Register is published in the Official Gazette of the Republic.

The dispute resolution procedure under the Out-Of-Court Settlements Law is performed by one Arbitrator who receives both parties’ written statements (claim, reply and counterclaim, if applicable) and conducts a hearing during which he listens to the parties involved and their supporting witnesses. The Arbitrator has the authority to decide on the amount that the party against which the decision is issued must pay to the party in favour of which the decision is issued, including any expenses related to the case, but excluding any lawyers’/representatives’ fees. The Arbitrator’s decision is binding on both parties and becomes enforceable. In particular, the party against which the decision is issued must pay the other party within 15 days from the date the decision is served upon him. In the event of failure to comply with the Arbitrator’s decision, such decision is registered with the competent court and its enforceability is performed with the same means applicable to court decisions or court orders.

During the hearing the Arbitrator has the discretion to push the parties to amicable solution. In the event that the parties agree to an amicable solution, which is approved by the Arbitrator, such agreement is enforced as if it was a decision issued by the Arbitrator.

Traders are obliged to inform consumers about their participation to such out-of-court settlement procedure and the CPS’s contact details. Failure of a trader to comply with the foregoing obligation is subject to an administrative fine of up to EUR 2.000 imposed by the Director of the CPS.

The Traders Register (only in Greek) can be found at:

[http://www.consumer.gov.cy/mcit/cyco/cyconsumer.nsf/All/9928C44FD27EF38AC2257F16002A4A78/\\$file/%CE%9C%CE%B7%CF%84%CF%81%CF%8E%CE%BF%20%CE%95%CE%BC%CF%80%CF%8C%CF%81%CF%89%CE%BD%2022112016.pdf](http://www.consumer.gov.cy/mcit/cyco/cyconsumer.nsf/All/9928C44FD27EF38AC2257F16002A4A78/$file/%CE%9C%CE%B7%CF%84%CF%81%CF%8E%CE%BF%20%CE%95%CE%BC%CF%80%CF%8C%CF%81%CF%89%CE%BD%2022112016.pdf)

(2) For complaints related to electronic purchases, the CPS, through its website at: http://www.mcit.gov.cy/mcit/cyco/cyconsumer.nsf/index_en/index_en?OpenDocument informs the consumers, who buy products or services online from Cyprus or other EU countries that are able to resolve their contractual disputes directly through an online dispute resolution (ODR) platform at the website: <http://ec.europa.eu/odr>. The operation of the ODR platform is undertaken by the European Consumer Centre (ECC) of Cyprus (www.ecccyprus.org) which is the contact point for Cyprus. The CPS is the registered “dispute resolution body” for Cyprus and is competent for disputes initiated by consumers against traders established in Cyprus. The fees for applying for an ODR dispute resolution, depending on the amount of the claim, range between EUR 5 - EUR 17. The outcome of this out-of-court dispute resolution procedure is binding on the consumer and the trader.

(3) Complaints under the Unfair Commercial Practices Law, to the extent they are not caught under the competence of the CPS, may be caught under the competence of the Office of the Commissioner of Electronic Communications and Postal Regulations known by its Greek acronyms as ΓΕΡΗΕΤ (Γραφείο Επιτρόπου Ρυθμίσεως Ηλεκτρονικών Επικοινωνιών) (the “**OCECPR**”). The OCECPR is competent as mediator for domestic and cross-border disputes stemming from complaints submitted by consumers against their electronic communications service providers. The OCECPR, in accordance with the provisions of The Regulation of Electronic Communications and Postal Services Law 112(I)/2004 and The Protection of Consumers Electronic Communications Order of 2013 (the “Regulation 42/2013”), formulates advice and tries to settle the dispute. In order to acquire better understanding of a complaint, he may ask the provider for clarifications. In the event that a consumer requests hearing of the

dispute, the OCECPR hears both parties. The OCECPR has the authority to order restitution or compensation in favour of the consumer and he may also impose administrative sanctions such as administrative fines and immediate termination of the infringement.

The website of OCECPR can be found at: www.ocecpr.org.cy.

(4) Complaints under the Unfair Commercial Practices Law or the Unfair Contract Terms Law, to the extent they are not caught under the competence of the CPS, may be caught under the competence of the Financial Ombudsman of the Republic of Cyprus, in Greek known as Ενιαίος Φορέας Εξώδικης Επίλυσης Διαφορών Χρηματοοικονομικής Φύσης (the “**FORC**”). The FORC is competent as mediator to settle disputes not exceeding EUR 170.000 stemming from complaints submitted by consumers against financial businesses (including, without limitation, banks, electronic money institutions, payment institutions, insurance companies and investment firms). The FORC in accordance with the provisions of the Establishment and Operation of a Single Body for Out-Of-Court Dispute Resolutions of Financial Nature Law 84(I)/2010, through his decision, determines the settlement/arrangement achieved through the process of mediation, or states that no settlement/arrangement was achieved, as applicable. If the parties do not accept the binding nature of his decision within a period of 2 months then the decision is not binding on them. If the parties accept the binding nature of the decision, then such decision is considered final and not subject to appeal before the court. The FORC has the authority to order compensation in favour of the consumer and he may also impose the administrative sanction of immediate termination of the infringement and refrain from repeating it in the future.

The website of FORC can be found at: www.financialombudsman.gov.cy.