

Integrating and Assessing Economic Evidence under Cyprus Competition Law: Case Comment on the Cyprus Commission for the Protection of Competition Decision No. 42/2014*

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Executive Summary

It is indisputable that economics has become an essential parameter in modern competition law enforcement, with the result that the analysis of a competition law case is virtually impossible without the integration and assessment of economic evidence in reaching the final decision. Best practice across the European Union (“the EU”) in applying competition law clearly recognises the critical correlation between the proper selection, presentation and content of the relevant economic evidence and its appropriate interpretation and assessment by the decision-making body. In the case of Cyprus, this body is the Cyprus Commission for the Protection of Competition (“the Commission”).

This paper is a case comment aiming to present the reader with an insight into the manner the Commission has handled and assessed economic evidence in the process of reaching its decision No. 42/2014, with particular reference to part 11.4.2 of its decision, which is the relevant economic analysis of the Commission. It begins with an exposition of the material facts, the decision and the economic dimensions of the case. It then focuses on the critical aspect of how the Commission dealt with and analysed the economic evidence before it in order to decide the case. The paper ends with a section on the approaches taken in competition law and practice both in Cyprus, with reference to the case in question, the United Kingdom (“the UK”) and the wider EU framework.

* Republic of Cyprus, Commission for the Protection of Competition (2014). *Ex officio investigation against the PanCyprian Organisation of Cattle Farmers (POCF) Public Ltd for alleged violations of Articles 3 and/or 6 of the Law no. 13(I)/2008, and Articles 101 and/or 102 of the TFEU*. [Online]. Available from:

[http://www.competition.gov.cy/competition/competition.nsf/All/48E9E591D181CB42C2257DB300318A45/\\$file/Dec.42-2014_11.17.012.08_ExOfficioPOA_nonconfidential.doc.pdf?OpenElement](http://www.competition.gov.cy/competition/competition.nsf/All/48E9E591D181CB42C2257DB300318A45/$file/Dec.42-2014_11.17.012.08_ExOfficioPOA_nonconfidential.doc.pdf?OpenElement) [Accessed: 14 October 2015]. Hereinafter referred to as “the case”.

Disclaimer: The statements made in this paper are exclusively the authors’ own personal and/or academic views and should not be attributed to the Cyprus’ Commission for the Protection of Competition or any government body of the Republic of Cyprus. The content of the article is based on the electronic version of the case, available on the Commission’s website, which was made public after it has been cleared of any business secrets it may have contained.

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To the best of our knowledge, this paper is the first attempt to evaluate a competition case in Cyprus from an economics perspective. Providing that there is a significant gap in public discourse in this area, even among competition and economics experts, this paper marks the beginning towards the narrowing and the bridging of gap therein, and is accordingly of crucial importance to competition law and practice in the Republic of Cyprus.