



**British Institute of
International and
Comparative Law**

COLLECTIVE REDRESS CYPRUS



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**British Institute of
International and
Comparative Law**

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Vision

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I. General Collective Redress Mechanism

1. Scope/ Type

De jure, Cyprus has no **horizontal collective redress system**. Instead groups of claimants may rely on the existing mechanism for joinder of actions under the general norms of civil procedural law. The discussion that follows in this Section therefore considers this general legal framework in terms of its potential application to claims by a group or large number of claimants. Moreover, there has so far been little discussion about reform in the direction of a horizontal mechanism to facilitate collective redress: it would appear that the economic and social factors that might motivate the legal profession or other actors in this regard are lacking until present.

De facto, due to the relatively small size – and relatively homogeneous composition – of Cyprus society, there have been coordination efforts of claimants in the most important cases. In some cases, such coordination has taken institutional form (e.g. associations of claimants).

In terms of **remedies** available and/or sought by claimants, Cyprus civil practice places emphasis on compensation (which is characterized as regular remedy, as contrasted to the “specific” or “equitable” remedies such as injunctive relief or specific performance). However, an increasing number of injunctions is sought as remedies, including an increasing number of interim relief requests leading to an increasing number of jurisdictional questions.¹

2. Procedural Framework

a. Competent Court

Subject matter for civil claims falls with the District Court (the Cyprus court of general jurisdiction). Trial courts of special jurisdiction include the Family Court and Administrative Court. The Administrative Court has recently (2016) held that actions by public bodies under consumer-protection legislation constitute civil cases thus falling under the jurisdiction of the District Court.

b. Standing

Standing for civil claims is determined in accordance with the Courts of Justice Law 1960 and, in principle, the Contract Law (Cap. 149) for contractual claims or the Civil Wrongs Law (Cap. 148) for tort claims under the relevant provisions. Plaintiffs must either have a valid legal claim themselves or have the capacity to represent someone with a valid legal claim under the law. There are no specific provisions, or actual practice, with regard to collective claims.

c. Availability of Cross Border collective redress

General procedural rules apply with regard to cross-border claims. Jurisdiction is established under EU private international law or under general common law rules, with regard to third countries or cases falling outside the scope of EU instruments.

d. Opt In/ Opt Out

There is no collective redress mechanism. The issue of opt in / opt out is therefore moot. In terms of possible law reform, apart from the fact that the Recommendation supports Opt In and not Opt Out, any proposal to adopt Opt Out is likely to encounter both political opposition and legal opposition drawing from fundamental rights law such as the interpretation of the right to fair trial.

e. Main procedural rules

Admissibility and certification criteria: N/A

Single or Multi-stage process: N/A

¹ See in that regard N. Hatzimihail, “Cyprus” in P. Beaumont et al (eds.) *European private international law in action* (Hart, 2017, forthcoming).

Case-management and deadlines: Order 30 of the Civil Procedure Rules (“Summons for Directions”), which is applicable, was recently (2015) and substantially amended, notably with the setting of deadlines for the filing of court documents.

Expediency (particularly in injunctive cases): Injunctions are an established tool of civil litigation in the English tradition. They are addressed ad personam and are supported by the institution of *contempt of court*, in accordance with Article 42 of the Court of Justice Law 1960, which enables the Court to order the immediate imprisonment of addressees who do not obey the order (including company directors).

Evidence/discovery rules: Order 28 of the Civil Procedure Rules provides for discovery in the English model. In principle, “any party” may apply for an order directing any other party to any cause or matter to make discovery on oath of the documents which are or have been in his possession or power relating to any matter in question therein.”² The Court has discretion to grant or not such order (“discovery shall not be ordered when and so far as the Court or Judge shall be of opinion that it is not necessary either for disposing fairly of the cause or matter or for saving costs”) or even to “adjourn” for a later stage, “either generally or limited to certain classes of documents.” Order 28 envisions measures to be taken against a party that fails to comply with the Order, including the counsel who “neglects without reasonable excuse to give notice thereof to his client”.³

Interim measures: Article 32 of the Courts of Justice Law 1960 (see below) enables the Court to order interim relief measures.⁴ Article 32 is regarded as identical to the identical to section 45 of the English Supreme Court of Judicature Act 1925.⁵ The toolbox of interim relief has been substantially expanded in recent years, following modern English civil practice.⁶

Court directed settlement option during procedure: In practice, the judge may encourage the parties to settle. So far no legal basis.

In case of out of court settlements - judicial control: It is possible to have an agreement before the court, whose content is stated in the court record and is thus given status equivalent to a court order. The court does not exercise any control as to the terms of such settlement.

In practice, counsel may state the parties’ intent to settle before the judge.

3. Available Remedies

a. Type of damages

Cyprus law on damages follows English law. Damages are primarily compensatory. For *contract claims*, the expectation/performance interest is generally compensated. Compensation of the reliance interest constitutes the exception. Restitutionary interest is compensated only in exceptional circumstances. For *tort claims*, actual injury is compensated. Nominal damages are occasionally awarded in instances where a breach of contract or violation of a norm is found but either the actual injury is minimal or there is disapproval of the claimant’s conduct.

² O 28 R 1: “Any party may, without filing any affidavit, apply to the Court or a Judge for an order directing any other party to any cause or matter to make discovery on oath of the documents which are or have been in his possession or power relating to any matter in question therein. On the hearing of such application the Court or Judge may either refuse or adjourn the same, if satisfied that such discovery is not necessary, or not necessary at that stage of the cause or matter, or make such order, either generally or limited to certain classes of documents, as may, in the Court’s or Judge’s discretion, be thought fit : provided that discovery shall not be ordered when and so far as the Court or Judge shall be of opinion that it is not necessary either for disposing fairly of the cause or matter or for saving costs. If an order is made for discovery, such order shall specify the time within which the party directed to make discovery shall file his affidavit.”

³ O 28 R 14.

⁴ Art. 32(1) in fine: “Provided that an interlocutory injunction shall not be granted unless the Court is satisfied that there is a serious question to be tried at the hearing, that there is probability that the plaintiff is entitled to relief and that unless an interlocutory injunction is granted it shall be difficult or impossible to do complete justice at a later stage.”

⁵ See e.g. *Pastella Marine Ltd v National Iranian Tanker Co Ltd* (1987) 1 CLR 583.

⁶ See e.g. *Penderhill Holdings Ltd v Abramchyk*, Supreme Court judgment of judgment of 13 Jan 2014 (Civ.App. 319/11).

b. Allocation of damages between claimants for compensatory claims/ distribution methods

Even in the case of consolidation of claims, the court is supposed to make a separate estimation of damages for each claimant. There is thus no allocation or distribution method properly speaking.

c. Availability of punitive or extra-compensatory damages and their conditions

Cyprus civil practice follows English law. There is no instance of punitive damages in contract claims. With regard to tort claims, punitive damages are often claimed by plaintiff but infrequently awarded.⁷

d. Skimming-off/ restitution of profits

Available under English common law rules.

e. Injunctions

Court may issue a prohibitive injunction (απαγορευτικό διάταγμα), mandatory injunctions (προστακτικό διάταγμα) in accordance with Article 32 of the Courts of Justice Law 1960 and the principles of equity.⁸

f. Possibility to seek an injunction and compensation within one single action

It is possible to seek both, depending on the object of the case.

g. Possibility to rely in an injunction in separate follow-on individual or collective damages actions

An injunction operates, in principle, as between the parties to the case.

h. Limitation periods

The Prescription of Actionable Rights Law 2012 states the general limitation period for contract and tort claims at six years once the cause of action has been completed.⁹ For negligence, nuisance and breach of duty, limitation is set at three years from the completion of the cause of action or the date when the injured party took notice of the injury, if later.¹⁰ For personal-injury claims, the Court is given the discretion to stay limitation for an additional two years in order to allow claimants to overcome incapacity and/or collect the necessary evidence, especially if the defendant has been less than forthcoming.¹¹

4. Costs

Basic rules governing costs and scope of the rules: Procedural Rule 2008

Loser Pays Principle (and exceptions from it): The “loser pays” principle is grounded in case law. Exceptions include petitions for court document modification; *Norwich Pharmacal* orders (the plaintiff pays the respondent’s costs).

5. Lawyers’ Fees

Lawyers’ fees may be agreed upon between lawyer and client, in which the agreement is attached to the Retainer deposited at court; if no such agreement exists, the rates states in Procedural Rule apply. It is thus possible to have an agreement stating contingency fees.

⁷ See e.g. *Attorney-General v Palma*, Supreme Court judgment of 19 Nov 2015 (Civ. App. 44/13).

⁸ Art. 32(1): “Subject to any Rules of Court every Court, in the exercise of its civil jurisdiction may, by order, grant a mandamus or injunction (interlocutory, perpetual or mandatory) or appoint a receiver in all cases in which it appears to the Court just or convenient so to do, notwithstanding that no compensation or other relief is claimed together or granted together therewith:

Provided that an interlocutory injunction shall not be granted unless the Court is satisfied that there is a serious question to be tried at the hearing, that there is probability that the plaintiff is entitled to relief and that unless an interlocutory injunction is granted it shall be difficult or impossible to do complete justice at a later stage.”

⁹ Art. 7(1) of the Prescription of Actionable Rights Law 2012 for contracts, 6(1) for torts. Limitation for defamation is set at one year: 6(4).

¹⁰ Art. 6(2).

¹¹ Art. 6(3).

6. Funding

Claimants may be entitled to **legal aid**, under the Legal Aid Law 2002, for a variety of cases listed therein and including claims for damages arising out of human-rights violations, cross-border civil and commercial cases and mortgage debtors involved in the sale of mortgaged property.¹²

At present the notion of **third-party funding** is alien to Cyprus civil practice, perhaps due to the lack of mass claims and the unavailability of collective redress mechanisms such as class actions that might have led to such claims. There is no legal framework or basis for court control of such arrangements. Were such funding to be provided, the terms and relationship between claimant and funder would be determined in accordance with general contract law.

7. Enforcement of collective actions/settlements

There is no framework specifically for collective settlements or redress, therefore the general framework, which follows the English common law tradition, is applicable.

Cyprus civil practice has been making increasing use of the tools (notably orders) devised in modern English civil practice in order to ensure that relief is obtained. This includes interim relief measures such as Norwich Pharmacal and Anton Pillar orders.

The system makes use of orders (such as injunctions) addressed in personam. Failure to respect a court order by the person to whom it is addressed will result in the person being held in contempt of court, which has monetary (fine) as well as penal consequences.

Cross border enforcement relies on the general framework of European private international law, notably the Brussels I Regulation (and Lugano II), the European Enforcement Order Regulation etc. For cases falling beyond the scope of EU instruments, cross-border enforcement relies upon international instruments or a common-law action with the foreign judgment or settlement being the cause of action.

8. Number and types of cases brought/pending

There is no collective redress mechanism and no available data.

9. Impact of the Recommendation/Problems and Critiques

The lack of a collective redress mechanism had not been felt until recently. Reasons for this fact included: the – by definition – small numbers of persons interested in a potential claim; the relative geographical isolation of the country (that would not allow, for example, cross-border mass torts such as *Mines de Potasse*); the relative homogeneity of society and the lack of -- spatial and social – distance between power centres and the population at large, both of which factors allowed grievances to be addressed more or less satisfactorily; the existence of an organized, and relatively attentive, bureaucracy and a comprehensive welfare state. Cyprus has only one trial instance and one appellate instance. Unlike England especially, no leave to appeal is required and the right to appeal is frequently exercised. Moreover, court expenses for both trial and appellate process are limited, especially compared to England, and whereas legal fees may vary it is still possible to litigate on the cheap. *In short, the stakes have tended to be qualitatively and quantitatively too low for collective interests to be crystallized in a manner necessitating a specific mechanism for collective redress.*

This state of affairs has been challenged, first by the Mari disaster. The law suits of the victims' estates (relatives) were handled by different judges in distinct law suits, even though the legal position adopted by the various, mostly senior judges of the Nicosia District Court was more or less uniform. A more serious challenge is the ongoing litigation of claims of convertible bond holders, and of the sufferers of the 2013 bank bail-in. A lot of cases are currently pending in these two examples. Efforts to provide a legislative remedy did not bear fruit, due to issues of constitutionality. An important factor to consider in that regard has been the sustainability of Cyprus banks faced with these claims: granting substantive relief may have resulted in the collapse of the entire banking sector with massive consequences given the very high level of private borrowing. In that regard, the convertible

¹² Art. 3 in conjunction with Arts. 5(1)(a), 6A and 6E of the Legal Aid Law 2002.

bondholders' case shows an antithesis between the "collective" interest of one class and the "public" or "general" interest of the country at large.

As noted above, the lack of a collective redress system has led to a spontaneous or quasi-spontaneous grouping of claimants, from relatives of the victims of the 2005 air crash disaster or the 2011 explosion in the Mari naval base to the vast numbers of convertible bondholders. This system has operated as a functional substitute for a formal mechanism of collective redress, allowing for the exchange of information between claimants and counsel, the consolidation of claims and even facilitating the "opting in" of potential claimants. At the same time, this system has led to rent-seeking behaviour by the self-appointed spokespersons for larger groups (not necessarily in terms of financial compensation for themselves, but in terms of media coverage, development of a political profile and the building of social capital). This is a side effect of the lack of a formal collective redress mechanism. Ironically, it has also given a bad name to the notion of collective redress, even though, unless a U.S.-style model were to be adopted, collective redress is not necessarily going to increase the number of frivolous law suits.

The potential introduction of a collective redress mechanism in Cyprus is not likely to impact adversely the legal system, especially if such law reform is combined with (or triggers, or follows) the modernization of court administration and case management tools and logistics.

II. Collective Redress Mechanism(s) in Consumer Protection

1. Scope / Type

The mechanism established by the Issuance of Court Orders for the Protection of Collective Consumer Interests Law 2007 [L. 101(I)/2007], to which references are made in the Section as “the Law”, defines “collective consumer interests” as “interests that go beyond the mere aggregation of the interests of the individuals prejudiced by the violation in question.”¹³ The Law contains, in Annex, a list of the Laws governing the Collective Interests of Consumers, including:

- Unfair Business Practices Laws
- Consumer Rights Law
- Consumer Credit Law
- Radio and Television Stations law
- Cyprus Broadcasting Corporation Law
- Organised Travels, Holidays and Tours Law
- Drugs for Human Use (Quality Control, Supply and Prices) Law
- Unfair Terms in Consumer Contracts Law
- Timesharing Contracts Law
- Certain Aspects of the Sale of Consumer Goods and Pertinent Warranties Law
- Certain Aspects of Information Society Services and Especially E-Commerce and Relevant Matters Law
- Distance Sale of Financial Services to Consumers Law
- Freedom of Establishment of Service Providers and Free Movement of Services Law.

The Law provides only for injunctive relief, i.e. the issuance of prohibitive injunction (απαγορευτικό διάταγμα) or a mandatory injunction (προστακτικό διάταγμα), including interim orders (προσωρινό διάταγμα).¹⁴ Relief consists in the Court ordering an immediate stop of an occurring violation or prohibiting its repetition. Compensatory relief is governed by general provisions regarding civil claims, as discussed above in Section II.

2. Procedural Framework

a. Competent Court

The District Court is competent for the issuance of such injunctions.¹⁵ More generally, the Administrative Court has recently (2016) held that actions by public bodies to enforce consumer-protection legislation constitute civil cases thus falling under the jurisdiction of the District Court.

b. Standing

The Law confers standing to any “qualified entity” (νομιμοποιούμενος φορέας), including both entities listed in the Commission’s list of qualified entities and “Cypriot qualified entities” (κυπριακός νομιμοποιούμενος φορέας)

¹³ Art. 2.

¹⁴ Art. 3.

¹⁵ Art. 3 in conjunction with Art. 2.

c. Availability of Cross Border collective redress

The Law enables Community qualified entities to petition the Court. A formality requirement is that the Court be provided with a copy of the Official Journal of the European Union including the list containing the applicant entity.¹⁶ The Court must be satisfied that the applicant entity's purposes justify the filing of an injunction request in the case at bar.¹⁷

d. Opt In/ Opt Out

Not applicable. See also Section II 2 d above.

e. Main Procedural rules

Admissibility and certification criteria: N/A

Single or Multi-stage process: N/A

Case-management and deadlines: The new Order 30 sets deadlines.

Expediency (particularly in injunctive cases)

Evidence/discovery rules: General evidence law, and Order 28 CPR with regard to inspection/discovery is applicable.

Interim measures: Interim measures are provided for in the Law. General procedural norms are applicable.

Court directed settlement option during procedure: The Law mandates that the applicant entity first enter in consultations with the infringer by asking them to cease and/or refrain from repeating the infringement.¹⁸ If the infringement is not stopped within fourteen days from the initiation of such request, the qualified entity may apply to the Court for an injunction.¹⁹ The consultation requirement is waived if the qualified entity deems that circumstances dictate the immediate commencement of court proceedings²⁰ (the Court will still have to decide whether this is so).

In case of out of court settlements: judicial control: Same as with general cases.

3. Available Remedies

L. 101(I)/2007 concerns injunctive relief. The granting of such relief must be in conformity with the general procedural law described above.²¹ Relief may include:

- an order for the cessation or prohibition of any infringement;
- an order for the taking of corrective action within a deadline fixed by the Court.
- an order for the publication of the decision, in full or in part, or the publication of a corrective statement with a view to eliminating the continuing effects of the infringement.

The Law leaves open the possibility for the injunction to address not simply the specific infringement against specific consumers but also "similar future infringements against consumers in general."²² It may also be addressed ad personam against "any participant or accessory" in the infringement, including any "director or managing director or board member or secretary" of a legal person, who has taken part, participated, aided or had any other relation with the infringement.²³

Individuals injured by the infringement may still pursue their claims in a follow-on action for damages.

¹⁶ Art. 4.

¹⁷ Ibid.

¹⁸ Art. 3(2).

¹⁹ Art. 3(3).

²⁰ Art. 3(2) in fine.

²¹ Art. 5(1) and (3).

²² Art. 5(2)(a).

²³ Art. 5(2)(b).

Possibility to seek an injunction and compensation within one single action: not possible.

Possibility to rely in an injunction in separate follow-on individual or collective damages actions: An injunction operates, in principle, as between the parties to the case.

Limitation periods: Law states as limitation

4. Costs

See I.4 above.

5. Lawyers' Fees

See I.5 above.

6. Funding

See I.6 above.

7. Enforcement of collective actions / settlements

See I.7 above.

8. Number and types of cases brought / pending

No cases have been brought under this legal mechanism.

9. Impact of the Recommendation/Problems and Critiques, including

Cyprus has in place an adequate system of collective redress for consumer claims, at least as far as the legislative framework is concerned, which implements EU consumer protection legislation. The system has however not been put to use so far.

III. Collective Redress Mechanism(s) in Competition Protection

1. Scope / Type

Protection of individuals for violation of competition norms

Civil protection for individuals “subjected to damage and/or economic harm” by acts or omissions of businesses or groups of businesses acting in violation of the provisions of national competition legislation and/or EU law is provided by general tort law and Article 40 of the Protection of Competition Law 2008. Article 40(1) assumes the existence of a civil action under general law and provides support with regard to evidence. Article 40(2) enables injunctive relief.

2. Procedural Framework

a. Competent Court

The District Court is competent for the issuance of such injunctions.²⁴

b. Standing

Cause of action is acknowledged for individuals subjected to damage and/or economic harm” by acts or omissions of businesses or groups of businesses acting in violation of the provisions of national competition legislation and/or EU law. No mention is made to the possibility of group action except under general provisions for joinder of claims.

c. Availability of Cross Border collective redress

General rules of private international law would apply as discussed in Section II above.

d. Opt In/ Opt Out

Not applicable. See also Section II 2 d above.

e. Main Procedural rules

Admissibility and certification criteria: N/A

Single or Multi-stage process: N/A

Case-management and deadlines: Order 30 CPR is applicable.

Expediency (particularly in injunctive cases)

Evidence/discovery rules: General evidence law, and Order 28 CPR with regard to inspection/discovery is applicable. Article 40(1) of the Protection of Competition Law states that a final ruling (“τελεσίδικη απόφαση”) by the Cyprus Competition Protection Commission or another competition Authority or the European Commission shall constitute a “rebuttable presumption of the truth of its content.”

Interim measures: Interim measures are provided for in the general law. General procedural norms are applicable.

Court directed settlement option during procedure: In practice, the judge may encourage the parties to settle. So far no legal basis

In case of out of court settlements: judicial control: Same as with general cases.

²⁴ Art. 40 in conjunction with Art. 2.

3. Available Remedies

Type of damages:

Same as with general cases.

Allocation of damages between claimants for compensatory claims/ distribution methods:

Same as with general cases.

Availability of punitive or extra-compensatory damages and their conditions:

Same as with general cases.

Skimming-off/ restitution of profits:

Same as with general cases.

Injunctions:

Court may issue a prohibitive injunction (απαγορευτικό διάταγμα) in accordance with Article 40(2), in order to prevent the continuation of the infringement. Article 32 of the Courts of Justice Law 1960 and the principles of equity forms the general legal basis for injunctive relief.

Possibility to seek an injunction and compensation within one single action: not possible.

Possibility to rely in an injunction in separate follow-on individual or collective damages actions:

An injunction operates, in principle, as between the parties to the case. An injunction in a given case may be relied upon by the aggrieved party in a damages claim.

Limitation periods:

General norms on limitation (i.e. six years) apply.

4. Costs

See I.4 above.

5. Lawyers' Fees

See I.5 above.

6. Funding

See I.6 above.

7. Enforcement of collective actions / settlements

See I.7 above.

8. Number and types of cases brought / pending

No cases have been brought under this legal mechanism.

9. Impact of the Recommendation/Problems and Critiques, including

Cyprus competition law is effectively a decade old. Private enforcement of competition law is a novel concept. This is an area where the institution of collective redress may in the medium term achieve the EU policy objectives.

IV. Information on Collective Redress

1. National Registry

There is no national registry for collective redress claims, given that there is no mechanism for collective redress. A general/national Registry of Civil Actions exists, relying on the District Court Registries, coordinated by the Office of the Chief Registrar of the Supreme Court, who is the head of the administrative service of the judicial service under the supervision of the Chief Justice of the Supreme Court. It must be remarked that, although the administration of civil justice in Cyprus is generally efficient, records are still largely not online and often not digitized. At present, the Cyprus court system is undergoing a large-scale reform, with electronic organization of records and case management being a very important pillar for the improvement of the quality, and transparency, of the administration of justice.

2. Channels for dissemination of information on collective claims

Pending digitization of records and case management, information can be obtained from the Registrars and the court Registries themselves. Peer exchange of information between advocates, facilitated by the Cyprus Bar Association and District Bar Associations, is also a working channel.

V. Case summaries

<p>Case name</p> <p>Relatives of <i>Helios</i> (HCY 522) air disaster victims</p> <p>Reference</p> <p>Christodoulou v Attorney-General, Civil suits before the Nicosia District Court, Nos 8641/07 and 8642/07 (rejected: judgment by S Christodoulou S.D.J. on 4 March 2016)</p> <p>Subject area</p> <p>Tort (personal injury)</p>	<p>Keywords</p> <p>Mass tort; liability insurance; air disaster</p> <p>Summary of claims</p> <p>HCY 522, a plane belonging to a Cypriot airline with a crew of 6 and 115 passengers crashed near Athens</p> <p>Findings</p> <p>The District Court found that, since the relatives of the victims had received compensation from the insurance company covering Helios Airways Ltd, they lacked standing to bring any further claim t before the court.</p> <p>Outcomes</p> <p>The actual tort was never litigated in court: the insurance company of Helios Airways Ltd offered compensation for the death of the victims to their relatives. Compensation was accepted. The only precise information about the compensation received by individual claimants concerns the litigants in the cases 8641 and 8642/07, namely €905,625 and €872,960 respectively.</p> <p>Victims’ relatives were active in the criminal prosecution of the case, both in Cyprus and in Greece (where, unlike Cyprus, the institution of aggrieved civil party to criminal proceedings – “civil action” – exists)</p> <p>The two actions referred to here were joined in 2015; they concerned claims by the two children of a deceased couple for each of their two parents. The interim judgment disjoined the two suits in order for them to be dismissed.</p>
<p>Dispute resolution method</p> <p>Group action</p> <p>Court or tribunal</p> <p>Court</p>	
<p>Cross-border character/ implications, if any</p> <p>The vast majority of claimants, as well as the tortfeasor, were Cyprus citizens or residents.</p>	
<p>Opt-in/out</p> <p>N/A</p>	
<p>Type of funding</p> <p>No funding mechanism</p>	
<p>Costs</p> <p>Loser pays principle / claimants were charged with the costs</p>	
<p>Abusive litigation</p> <p>No</p>	

Case name	Keywords
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<p>Relatives of the victims of the explosion that took place in a naval base near Mari against the Republic of Cyprus.</p> <p>Reference</p> <p>Krokou v Republic, Nicosia District Court, 542/12 (26.5.2016) 1600/12 (28.9.2015) 5605/11 (14.9.2016) 3601/11 (31.5.2016) 3604/11 (19.5.2016) 54/12 (19.5.2016) 6915/11 (17.8.2016) 596/2014 (1.12.2016) 597/2014 (1.12.2016)</p> <p>Subject area</p> <p>Tort (personal injury)</p>	<p>Mass tort; civil claims against government;</p> <p>Summary of facts</p> <p>A massive explosion occurred on the 11/7/2011 in the Navy Base 'Evangelos Florakis' near Mari when explosive matter inside containers overheated. 13 men were killed, including naval officers, Navy non commissioned officers, enlisted men and firemen.</p> <p>Summary of claims</p> <p>Victims' relatives, acting as the victims' estates sought:</p> <ul style="list-style-type: none"> - Special damages for estate administration expenses (funerals etc) - Bereavement according to the law - General damages for lost income for the benefit of the depended relatives - Punitive damages due to the gross negligence by the defendant <p>The cases were not consolidated</p> <p>Findings</p> <p>During court proceedings the Republic admitted responsibility for the explosion that caused the lives of the 13 men.</p> <p>Besides the exact amount of damages, the Court was called to decide whether or not the amount of €95000 that was instantly granted by the state to the relatives for all their immediate expenses must be treated as a form of compensation and be deducted from the total amount. The Court found that the amount did not constitute any form of compensation.</p>
<p>Dispute resolution method</p> <p>Group action</p>	
<p>Court or tribunal</p> <p>Court</p>	<p>Outcomes</p> <p>The Court ordered the defendants to pay damages as follows:</p>
<p>Cross-border character/ implications, if any</p> <p>The vast majority of claimants, as well as the defendants, were Cyprus citizens or residents.</p>	<p>In some cases special damages for estate administration fees to the benefit of the deceased's property up to €5000</p> <p>Bereavement at the fixed amount of €17085,90 for each victim</p>
<p>Opt-in/out</p> <p>N/A</p>	
<p>Type of funding</p> <p>No funding mechanism</p>	<p>Compensation for funeral damages for future earnings of the deceased for the benefit of those dependent upon them (€409.000-€453.750 divided accordingly to the depended relatives)</p>
<p>Costs</p> <p>Defendant (i.e. the Republic) was charged with the cost in all cases</p>	<p>Compensation for non-pecuniary damages (moral damages) for the unprecedented negligence of the defendants that led to serious</p>

Abusive litigation NO	violation of human rights (€33.750- €50.000 to each plaintiff who suffered the pain and sorrow of a loss)
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<p>Case name</p> <p>Law suit by 51 affected applicants against the Euroocean Union alleging non-contractual liability for the substantial reduction in the value of deposits that the plaintiffs had in Bank of Cyprus and Cyprus Popular Bank when the latter two entered into resolution (the 2013 bail in)</p> <p>Reference</p> <p>K. Chrysostomides & Co. and Others v Council and Others, T-680/13</p> <p>Subject area</p> <p>Non-contractual liability</p>	<p>Keywords</p> <p>Summary of facts</p> <p>In 2012, Cyprus Popular Bank and Bank of Cyprus, encountered financial difficulties. The Republic of Cyprus thus considered it necessary for them to be recapitalised and reached an agreement with Eurogroup in that direction. As a result, in 2013, a substantial reduction in the value of the applicants’ deposits occurred after the implementation of “bail in” decrees.</p> <p>Summary of claims</p> <p>The applicants claim that the Court should order the EU to pay the amounts lost plus interest accruing from 26 March 2013 until the judgment of the Court plus the costs of the proceedings.</p> <p>Findings</p> <p>Ongoing</p> <p>Outcomes</p> <p>Ongoing</p>
<p>Dispute resolution method</p> <p>Group action</p>	
<p>Court or tribunal</p> <p>EU Court</p>	
<p>Cross-border character/ implications, if any</p> <p>All claimants in this case were Cypriot. There have been parallel dispute processes by foreign nationals against the Republic of Cyprus in other fora, including investment arbitration, without success.</p>	
<p>Opt-in/out Effectively claimants opted in.</p>	
<p>Type of funding Claimants funded their own case.</p>	

Costs Case is ongoing	
Abusive litigation. Despite the small possibility of success, claimants did suffer a substantial material damage.	

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