



Coimisiún um  
Iomaíocht agus  
Cosaint Tomhaltóirí

Competition and  
Consumer Protection  
Commission

# The New Competition and Consumer Protection Commission

Isolde Goggin

Chairperson

7 November 2014



# Who we are

**Chair of  
the Commission**  
Isolde Goggin

Executive Office

**Member of  
the Commission**  
Karen O'Leary

**Member of  
the Commission**  
Pat Kenny

**Member of  
the Commission**  
Stephen Calkins

**Member of  
the Commission**  
Gerald FitzGerald



# What we do

- We investigate and challenge practices that are damaging to consumers and/or the wider economy
- We bring anti-competitive behaviour and practices that are harmful to consumers to an end, where necessary via court actions
- We provide information to consumers to help them make informed decisions. We have a specific role in this regard relating to financial services



# What we do (contd)

- We examine certain mergers and acquisitions to ensure that there is not a substantial lessening of competition in Ireland
- We advise policy-makers in relation to consumer protection and competition matters
- We promote compliance with a new regulatory regime in the Grocery sector aimed at ensuring balance and fairness in commercial relationships
- We are responsible for market surveillance in relation to the safety of products covered by a number of EU Directives. We have responsibility for monitoring and processing non-food product recalls in Ireland



# How it all started

UK - CMA		
Consultation	173 pp	



# How it all started

UK - CMA		
Consultation	173 pp	
Impact Assessment	93 pp	



# How it all started

UK - CMA		
Consultation	173 pp	
Impact Assessment	93 pp	
Responses to Consultation	1,480 pp	



# How it all started

UK - CMA		
Consultation	173 pp	
Impact Assessment	93 pp	
Responses to Consultation	1,480 pp	
Merger Fees Impact Assessment	14 pp	





# How it all started

UK - CMA		
Consultation	173 pp	
Impact Assessment	93 pp	
Responses to Consultation	1,480 pp	
Merger Fees Impact Assessment	14 pp	
Final Document	129 pp	



# How it all started

Consultation	173 pp	
Impact Assessment	93 pp	
Responses to Consultation	1,480 pp	
Merger Fees Impact Assessment	14 pp	
Final Document	129 pp	
Final Impact Assessment	133 pp	



# How it all started

UK - CMA	
Consultation	173 pp
Impact Assessment	93 pp
Responses to Consultation	1,480 pp
Merger Fees Impact Assessment	14 pp
Final Document	129 pp
Final Impact Assessment	133 pp
Total	2,022 pp



# How it all started

UK - CMA		Ireland – CCPC
Consultation	173 pp	
Impact Assessment	93 pp	
Responses to Consultation	1,480 pp	
Merger Fees Impact Assessment	14 pp	
Final Document	129 pp	
Final Impact Assessment	133 pp	
Total	2,022 pp	



# How it all started

UK - CMA		Ireland - CCPC
Consultation	173 pp	“Competition and consumer policies are highly complementary and share a common goal of enhancing consumer welfare. The merger of the Competition Authority and the National Consumer Agency will ensure improved co-ordination of these two policy areas. Enforcing both competition and consumer laws will give the newly merged body synergies and efficiencies in carrying out its functions.” (Minister Coughlan, press release, 2008).
Impact Assessment	93 pp	
Responses to Consultation	1,480 pp	
Merger Fees Impact Assessment	14 pp	
Final Document	129 pp	
Final Impact Assessment	133 pp	
Total	2,022 pp	



# What we think

- This could be really good!
- We can create our own vision
- International trend towards amalgamation – competition, consumers, regulation
- Staff of both organisations have supported and engaged enthusiastically



# Amalgamating competition and consumer agencies – the pros

- Competition and consumer protection policies share a common goal: the enhancement of consumer welfare.
- Applied properly, they reinforce one another (OECD, 2008)



# Amalgamating competition and consumer agencies – the pros

- “Competition law keeps the options open, consumer protection laws protect the ability of consumers to make informed choices among those options”
  - Netherlands Competition Authority, 2010





# Amalgamating competition and consumer agencies – the pros

- Foster pro-market culture
- Facilitates co-ordination and depth across functions
- Small businesses don't fall through the cracks
- Consistent information to businesses and consumers about their rights
- Provides administrative savings and skill enhancement
  - ACCC



# Amalgamating competition and consumer agencies – the pros

- 360° perspective on consumer issues
- Combined resources to focus on the most important issues
- Broad portfolio of policy and enforcement instruments
- Huge wealth of information and analytical skills available
  - OECD, CCPC



# Amalgamating competition and consumer agencies – the cons

- Consumer protection may be seen as less important
- Consumer protection issues used to raise agency's profile to detriment of competition enforcement
- Internal divisions of culture and functions – “silos”
- Need to integrate staff with wide range of backgrounds and skill sets



# We plan to make the pros outweigh the cons!

- Organisation designed to deliver upon this opportunity - fully harness and integrate the knowledge, experience and the expertise of both legacy organisations
- Identify and address the cultural issues up front
- Explain the relevance of everything we do
- Act on the basis of evidence



# What has changed in the legislation?

- Supply of grocery goods
  - Minister to make regulations
  - Form of contracts
  - Contract variation, termination and renewal
  - Charges for listing grocery goods
  - Use of third-party suppliers
  - Payments for shelf space or positioning
  - Payments for wastage and marketing costs



# What has changed in the legislation?

- Cartel offences “relevant” under Criminal Justice Act – disclosure requirements
- Power to compel individuals to produce documents, answer questions and provide information
- Quicker settlement of disputes about legal professional privilege
- More effective use of existing arrest, detention and questioning periods



# What has changed in the legislation?

- Competition investigators to attend and participate in Garda interviews
- New measures on how documents are to be given to the Commission
- Requirement for witnesses to create and provide written information
- Provisions of Communications (Retention of Data) Act extended to cartel offences



# What hasn't changed in the new legislation?

- TCA had previously argued need for civil fines for non-hardcore infringements
- 32 convictions to date for hardcore cartel offences
- Not appropriate or practical for non-hardcore offences
- Only declaratory and injunctive relief available – no financial penalty (though risk of private damages actions)
- Seriously out of line with EU competition and regulatory law
- LRC examining issue in relation to all regulatory bodies as first item on current work programme





- **Our Mission** is to make markets work better for consumers and businesses
- **Our Vision** is for open and competitive markets where consumers are protected and empowered and businesses actively compete
- **Our Values** are effectiveness; efficiency; impartiality; excellence; and respect.



# How are we going to do it?



Executive Office



Communications and  
Consumer Help

Integration

Corporate Services



Regulation and  
Business Engagement

Criminal Enforcement

Product Safety



Advocacy and Market  
Intelligence

Consumer Enforcement



Mergers

Competition Enforcement

Legal Services



# Next steps

- Keep the show on the road!
- Integration
- Relocation
- Strategy Statement 2015 - 2018





Coimisiún um  
Iomaíocht agus  
Cosaint Tomhaltóirí

**Competition and  
Consumer Protection  
Commission**

Thank You

