

# Annual Report 2014



**The Competition Authority**  
An tÚdarás Iomáíochta



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## ***A MESSAGE FROM THE CHAIRPERSON***

2014 was a big year for the Competition Authority. After 23 years in existence, and six years after the announcement was first made, the Authority merged with the National Consumer Agency on 31 October 2014 to form the Competition and Consumer Protection Commission. The creation of the new body is the result of a lot of hard work by staff in both organisations, while keeping the day jobs of the two organisations going at the same time.

This Annual Report, the final Report of the Competition Authority, covers the period from 1 January to 30 October 2014. During that time, the Authority continued to investigate breaches of competition law, advocate for changes in laws and regulations with anti-competitive effects, review mergers and raise awareness of the benefits of competition generally among our stakeholders.

Looking back over the record of the Authority since its inception in 1991, it can be proud of what it and its predecessors have achieved. At first, the Authority operated a “negative clearance” system, whereby companies notified agreements to the Authority and the Authority decided whether they could or could not be permitted under competition law. The organisation successfully built up the legal and analytical skills required to implement competition law, but the reactive nature of the system meant that we spent a lot of time looking at agreements which did not damage competition or consumers, or which simply weren’t very important. The law changed in 1996 when breaches of competition law were made criminal offences. Many commentators at the time felt that this was unworkable, but they were proved wrong when the Authority secured the first criminal convictions by jury trial for a cartel offence in Europe, in 2006.

The Authority continued to take its responsibilities in detecting and prosecuting white collar crime seriously. It also intervened using other tools, such as civil court cases, market studies and advocacy aimed at Government and regulators. It implemented and fine-tuned a merger control function which is highly regarded internationally for the clarity and timeliness of its decision-making. It never shied away from taking on vested interests, and its actions have made a difference to consumers in sectors as diverse as groceries, cars, home heating oil, transport, agriculture, professional services, banking, insurance and postal services.

2014 saw the conclusion of an investigation into anti-competitive behaviour in the commercial flooring sector, with the referral of a file to the Director of Public Prosecutions. A landmark case against the Irish Medical Organisation resulted in a satisfactory settlement whereby the IMO undertook not to organise or recommend the collective withdrawal of services by its members, and acknowledged the right of the Minister for Health to set fees for GP services. An investigation into An Post’s pricing of its publication services resulted in it changing its behaviour in the market. Merger control activity saw a full phase 2 investigation of Glanbia Ingredients Ireland Limited’s acquisition of Wexford Creamery, while an extended phase 1 investigation was carried out into a transaction involving the acquisition of joint control of Arnotts. The Authority’s advocacy activity included submissions on the regulation of energy, transport and household waste collection, and it pursued the recommendations of its 2013 study of competition in the Irish ports sector.

We have now amalgamated with another organisation with an equally strong track record in protecting the interests of consumers, tackling vested interests and pursuing evidence-based solutions – the National Consumer Agency. As the Competition and Consumer Protection Commission, we intend to focus our efforts on the areas where we can have the greatest impact, and to use the entire range of expertise and levers we have at our disposal to make markets work better for consumers and businesses.

A handwritten signature in black ink, appearing to read 'Isolde Goggin', with a long horizontal flourish extending to the right.

**Isolde Goggin**

**Chairperson, Competition Authority**

## 1. ABOUT THE COMPETITION AUTHORITY

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Up to 30 October 2014, the Competition Authority was the principal national agency responsible for enforcing Irish and European competition law. Our responsibilities included investigating suspected breaches of competition law and taking enforcement action where appropriate, making decisions on whether certain mergers and acquisitions would have a negative effect on competition and promoting competition generally in the economy. On 31 October 2014 the Competition Authority amalgamated with the National Consumer Agency to form the Competition and Consumer Protection Commission. This date also saw the Competition and Consumer Protection Act 2014 come into force. This Annual Report gives an account of the work of the Competition Authority, under the Competition Act 2002, as amended, up to 30 October 2014.

Up to 30 October 2014, competition law in Ireland was governed mainly by the Competition Act 2002 (the Act), as amended, and by Articles 101 and 102 of the Treaty on the Functioning of the European Union (TFEU). Unlike most European countries, where competition agencies can themselves make decisions finding breaches of the law and impose penalties such as fines, in Ireland that responsibility lies with the Courts. The Competition Authority investigated suspected breaches of competition law and either took legal proceedings in Court, or, for serious criminal breaches, sent a file to the Director of Public Prosecutions (DPP), who decides whether to take a criminal prosecution on indictment.

This Annual Report provides a record of the activities of the Competition Authority from 1 January 2014 to 30 October 2014. Following the establishment of the Competition and Consumer Protection Agency, the Competition Authority as a legal entity ceased to exist. For information on the powers, functions and responsibilities of the Competition Authority, please see previous Annual Reports.

### Amalgamation with the National Consumer Agency

In 2008, the Government announced that the Competition Authority and the National Consumer Agency (NCA) were to be amalgamated as part of a rationalisation of State agencies. Work on legislation to give effect to this decision was added to a review of the Competition Act which was already taking place. Plans for the legislation were later further expanded with the addition of new provisions for dealing with mergers in the media sector and a statutory code of conduct for the grocery sector.

The Competition and Consumer Protection Bill 2014, providing for amalgamation of the two agencies into one new body – the Competition and Consumer Protection Commission - was published on 31 March 2014, enacted on 28 July 2014, and commenced on 31 October 2014.

In 2014, the Authority (and the NCA) diverted substantial resources to a major programme of projects to ensure that the Competition and Consumer Protection Commission would be operational on 31 October 2014. A senior member of the Authority's staff worked exclusively on the Amalgamation programme and over half of the Authority's staff were directly involved in creating the various building blocks required for a new State agency. Each project required the input and agreement of both the Authority and the NCA and governance procedures were put in place for this.

This programme of projects ensured that the following were in place in time for the establishment of the new Commission:

1. The Commission's mission, vision and values.
2. A corporate structure.
3. Integrated external and internal ICT channels.
4. A new financial system.

5. Over 30 policies and procedures.
6. A new brand.
7. An interim website.

All of the above were delivered within the existing budgets of the Competition Authority and the NCA and within challenging timeframes.

### Complaints received by the Authority

The following is a breakdown of the number of complaints received by the Authority between 1 January and 30 October 2014.

**Table 1: Total Complaints Received by the Authority up to 30 October 2014**

<b>Complaints Received by the Authority to 30 October 2014</b>	
Resolved at Screening	81
Detailed Evaluation	102
(Ongoing in October)	(69)
(Closed following evaluation)	(33)
Added to current work	3
<b>Total</b>	<b>186</b>

Of those complaints that were dealt with by the enforcement divisions of the Authority, these included:

- 19 new complaints of alleged criminal cartel behaviour.
- 102 new complaints of anti-competitive agreements and abuses of dominance.

We also completed the review of a number of complaints that were carried over from previous years. These included eight complaints of alleged criminal cartel behaviour and 23 complaints of other anti-competitive agreements and abuses of dominance.

## 2. ENFORCING COMPETITION LAW

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### Current Investigations

#### Commercial Flooring

In 2014, the Competition Authority concluded a cartel investigation concerning allegations of anti-competitive activities in the commercial flooring sector and referred a file to the Director of Public Prosecutions (DPP).

A significant number of Competition Authority investigations were open on the date of establishment of the Competition and Consumer Protection Commission, which took over responsibility for those investigations as of 31 October 2014. However, none of these investigations were in the public domain and consequently details cannot be provided here.

### Closed Investigations

In 2014, the Authority reached successful conclusions in a number of cases.

#### The Competition Authority v Irish Medical Organisation

On 2 July 2013, the Minister for Health and Children (the Minister) announced that he had decided to reduce the fees payable by the Health Service Executive to General Practitioners for providing services to eligible patients under the General Medical Services (GMS) Scheme. He proposed to do this by means of regulations made under the Financial Emergency Measures in the Public Interest (FEMPI) Act 2009. On 10 July 2013, the Irish Medical Organisation (IMO) issued a press release stating that, at a meeting of its GP Committee on 8 July 2013, a motion was passed unanimously condemning the proposed reduction in GP fees. The press release also stated that it had been decided at that meeting that GPs would immediately withdraw from the provision of certain services, including:

- participation by GPs in Primary Care Teams
- participation by GPs in Community Intervention Teams
- participation by GPs in Clinical Care Programmes (Chronic Disease), and
- any other services not specified in the GMS contract (i.e. the contract which governs the provision of services by GPs under the GMS Scheme).

In the Authority's opinion, GPs are undertakings within the meaning of the Competition Act 2002 (the Act) and, therefore, the IMO's action constituted a decision by an association of undertakings which would limit collectively the range and quality of services provided by GPs to GMS patients. As such, it was a decision which had the object and/or effect of preventing, restricting or distorting competition in the State and which might also affect trade between EU Member States.

On 11 July 2013, the Authority wrote to the IMO stating its view that the decision of the IMO's GP Committee constituted collective action by GPs and was in breach of competition law, specifically section 4 of the Act and Article 101 of the Treaty on the Functioning of the European Union (TFEU). The Authority called on the IMO to remove the press release of 10 July 2013 from its website and publish an undertaking to reverse the decision of its GP Committee to withdraw certain services.

Following the IMO's refusal to rescind the decision of its GP Committee, on 16 July 2013, the Authority initiated legal proceedings in the High Court against the IMO under section 4 of the Act and Article 101 of the TFEU.

On 28 May 2014, as part of a settlement agreement between the IMO and the Authority, the IMO provided undertakings to the High Court:

- i. not to organise or recommend the collective withdrawal of services or boycotts by its members, and
- ii. to advise its members that they should decide individually and not collectively whether to participate in publicly funded GP health services on such terms as are offered by the Minister.

These undertakings provided by the IMO resolved the Authority's competition law concerns. The settlement agreement also confirmed key aspects of the Authority's position, from a competition law perspective, regarding the role of the IMO in any process of engagement with the Minister and/or the Health Service Executive relating to discussions on publicly funded GP health contracts. The terms of the settlement agreement also set out the limitations of the IMO's role in such a process. Such safeguards are necessary in order to ensure that competition law is not breached and patients and taxpayers are protected. In particular, the agreement emphasised that the Minister/State must make the final decision on contract terms and conditions, including fees.

### **An Post**

In 2013, the Authority initiated an investigation into the application of An Post's Zonal Pricing Scheme for users of its Publication Services product between March 2012 and February 2013.

The Publication Services product is offered by An Post to publishers of newspapers and periodicals (e.g. magazines and newsletters) that post in excess of 100 items in a single mailing. The service involves the delivery by post of newspapers and periodicals presented in bulk to An Post.

The focus of the Authority's investigation related to the manner in which An Post's Zonal Pricing Scheme for the Publication Services product was implemented during the above period.

The Authority was of the view that, between March 2012 and February 2013, the manner in which the Zonal Pricing Scheme was implemented raised competition law concerns. The investigation conducted by the Authority indicated that An Post sought exclusivity from publishers by making a reduced tariff for the Publication Services product conditional on An Post providing all of a publisher's delivery requirements. This had essentially the same effect as granting an exclusivity discount.

Given An Post's likely dominant position in the relevant market, the Authority was of the view that the application of the Zonal Pricing Scheme during this period was likely to amount to a breach of section 5 of the Competition Act 2002 and/or Article 102 of the Treaty on the Functioning of the European Union.

The Authority was satisfied that An Post's amended procedures for the application of the Zonal Pricing Scheme, introduced in February 2013 following the opening of the Authority's investigation, addressed the competition concerns identified during the investigation.

Because An Post amended its procedures in a timely manner following the opening of the investigation, the Authority decided to close its investigation and publish an Enforcement Decision notice on the Authority's website in order to provide information and an explanation of the issues involved.

## Other Enforcement Matters

### Irish Water

Irish Water was incorporated in July 2013 as a semi-State company under the Water Services Act 2013. Irish Water is accountable to two regulatory bodies – the Commission for Energy Regulation (CER), which is the economic regulator for the water sector, and the Environmental Protection Agency (EPA), which is the environmental regulator.

During 2014 the Authority received a number of complaints relating to Irish Water, in which concerns were raised that Irish Water may be able to exploit consumers as a result of its monopoly status.

From the perspective of the Competition Act 2002, we would note that the independent regulation of Irish Water by the CER should ensure that Irish Water does not abuse its position in providing water services.

We would also note that the CER has the power to approve or refuse codes of practice proposed by Irish Water, and may require Irish Water to comply with codes of practice. These codes stipulate the minimum customer service requirements that Irish Water must offer its customers and deal with issues such as billing and terms and conditions. As a result, the issues raised in the complaints submitted to the Authority were very likely to be addressed by the regulatory powers of the CER.

The Authority considered that competition has the potential to play a positive role in the future of the Irish water sector. Prior to the establishment of Irish Water we recommended to the Department of the Environment and Local Government that in setting up Irish Water, nothing should be done that would rule out the possibility of introducing competition when the time is right. We also took the view that setting out medium and long term goals for competition in the sector, where possible, would serve to reassure households and businesses that the price of water services would be competitive.

### School Uniforms

The Authority frequently received complaints about school uniforms being sold exclusively through one retailer. Many of the complaints were from parents who were unhappy when schools allowed just one retailer to sell their uniforms, feeling it left them without options. In August 2013, the Authority said that the best outcome for parents is when schools allow a number of retailers to supply school uniforms. In May 2014, the Authority received a complaint from a retailer who wished to sell a school uniform for a Dublin-based school which had previously had one exclusive retailer. This retailer (the complainant) approached the school and pointed to the Authority's guidance, and the school agreed to allow the retailer in question to sell the uniform also. This retailer then placed an order with the manufacturer. However the manufacturer refused supply on the basis of its understanding that the first retailer had exclusive rights to use the school uniform crest. The Authority felt this situation raised competition law concerns and contacted the parties involved. Following the Authority's intervention, the manufacturer agreed to supply the complainant with the school uniform in question.

Competition between retailers tends to result in lower prices and better quality. The Authority encouraged schools, where possible, to allow a number of different retailers to supply their uniform. Or if a school wishes to appoint a single retailer, we recommended they choose that retailer through a competitive tender, and not on the basis of established or historic relationships.

### National Asset Management Agency (NAMA)

While NAMA's activities with respect to the acquisition of bank assets are exempt from the Competition Act 2002, its post-acquisition conduct falls within the remit of the Act.

Because of NAMA's potentially significant effects on competition, it is required to report on an annual basis to the European Commission and the Competition Authority (now the Competition and Consumer Protection Commission) on the use of its post-acquisition powers. The purpose of this is to allow the European Commission and the Authority (now the Competition and Consumer Protection Commission) to take any action they consider appropriate if they deem that NAMA's use of its powers has resulted in a distortion of competition.

Having reviewed NAMA's use of its powers in 2014, the Authority concluded that no distortion of competition resulted from the use of these powers.

The Authority acknowledged the importance of NAMA in the Irish economy and the impact it could have through its various activities. The position taken by the Authority in the past in relation to any complaints made against NAMA is without prejudice to any action the Competition and Consumer Protection Commission may take in the future if evidence of anti-competitive behaviour comes to light.

### **DPP Direction not to prosecute**

The Authority reported in previous Annual Reports that a file was sent to the DPP following a cartel investigation concerning allegations of bid-rigging in the electrical contracting sector. During 2014 a direction not to prosecute was received from the DPP. This investigation remains open.

### **Cartel Immunity Programme Review**

During 2014 the Authority worked with the DPP to produce a revised version of the Cartel Immunity Programme. It is expected that the revised Programme will be adopted early in 2015.

### **Use of Enforcement Powers**

In 2014, in the context of one particular investigation, the Authority conducted three searches at premises of different undertakings allegedly involved in anti-competitive activity. The search operations involved nearly half the staff of the Authority. The Authority was assisted on site by members of An Garda Síochána. Hard copy documents and forensic data were seized during the searches.

**Table 2: Use of Enforcement Powers in 2014**

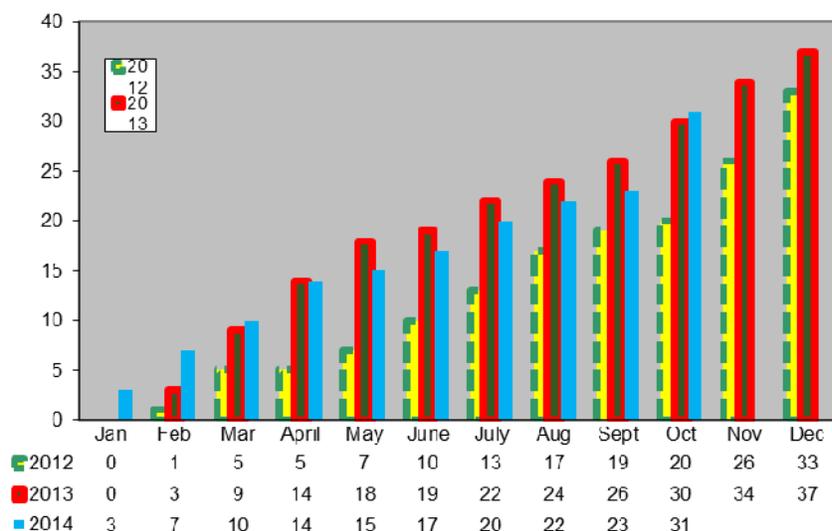
<b>Enforcement Power</b>	<b>2014</b>
Search Warrants	3
Summonses	0

### 3. EVALUATION OF MERGERS AND ACQUISITIONS

#### Merger Notifications during 2014

Figure 1 below provides a comparison of the number of merger notifications received by the Authority in each of the years 2012, 2013 and 2014 (up to 30 October 2014).

**Figure 1: Monthly comparisons of merger notifications received for the period 2011 to 2014 (cumulative)**



**Appendix B** contains a full list of mergers notified to the Authority up to 30 October 2014. The following points about 2014 are highlighted:

- The period January 2014 to 30 October 2014 saw a slight increase in notifications to the Authority compared with the same period in the previous year.
- In 2014 the Authority finalised its examination of four transactions which were notified in 2013 and whose deadlines extended into 2014. One of these cases involved a full phase 2 investigation (M/13/036 – Glanbia/Wexford Creamery), while one involved an extended phase 1 investigation (M/13/033 – Sappho/TCH) following proposals being submitted by the parties. All of those cases were cleared by the Authority.
- Four Requirements for Further Information were issued in the examination of two merger investigations (M/13/036 - Glanbia/Wexford Creamery and M/14/008 - Fitzwilliam/Wittington Canada/Arnotts).
- 25 of the 31 merger notifications received in 2014 were cleared before 30 October 2014 during the initial (phase 1) investigation, usually within one calendar month.

**Appendix C** provides more detailed statistics on mergers examined between 2011 and 2014.

## **Mergers Requiring a Full (Phase 2) Investigation**

If the Authority was unable to conclude after a preliminary (phase 1) investigation that a transaction would not “substantially lessen competition” (SLC), it had to carry out a detailed (phase 2) investigation.

### **M/13/036 – Glanbia/Wexford Creamery**

On 12 December 2013 the Authority received a notification of a proposed transaction whereby Glanbia Ingredients Ireland Limited (GIIL) would acquire the entire issued share capital of Wexford Creamery Limited (Wexford Creamery) from Wexford Milk Producers Limited (Wexford Producers).

GIIL, established in late 2012, is controlled by Glanbia Co-op. Glanbia is present in 17 countries and its products are distributed in over 130 countries worldwide with the largest markets being the US and continental Europe. Within the State, Glanbia is involved in the procurement of raw milk from dairy farmers, the production and supply of dairy products, including liquid milk, and also in the manufacture and supply of farm inputs, feed and fertiliser through Glanbia’s agribusiness division.

Wexford Creamery is involved primarily in the processing of raw milk into non-branded cheese for export to business customers in Europe, the UK and the USA. Additionally within the State Wexford Creamery is involved in the procurement of raw milk and the processing of raw milk into liquid milk, cream and cheese, and various liquid milk, cream and cheese products under the “Wexford Creamery” brand. It also sells cheese by-products (including whey cream and whey concentrate) to Glanbia.

The Authority’s investigation focused on the following three theories of harm:

1. Retail effects in the supply and sale of liquid milk including local effects in County Wexford.
2. National and/or local effects on dairy processing resulting from the possible blocking of an alternative acquirer and in particular a new entrant (by acquisition).
3. National and/or local effects on the procurement of milk and/or downstream markets resulting from a monopsony or near-monopsony of Glanbia in procuring milk from dairy farmers in County Wexford.

The Authority’s investigation of these three theories of harm involved research, ongoing contact with the parties, obtaining the views of both customers and competitors, the assessment of third party submissions and the econometric analysis of price and volume data. The Authority did not, in the course of its investigation, find sufficiently robust or consistent evidence to support any of these theories or a finding that the proposed transaction would lead to an SLC in any relevant product or geographic markets within the State.

## **Extended Phase 1 Merger Investigations - Requirements for Further Information**

A Requirement for Further Information (RFI), issued by the Authority, required parties to respond within a specified timeframe. In 2014, four formal RFIs were issued in two merger cases:

- M/13/036 – Glanbia/Wexford Creamery which was unconditionally cleared following a phase 2 investigation (see above), and
- M/14/008 - Fitzwilliam/Wittington Canada/Arnotts which was unconditionally cleared in phase 1 following an extended investigation lasting just over two months.

### **M/14/008 - Fitzwilliam/Wittington Canada/Arnotts**

On 19 March 2014, the Authority received a notification regarding the proposed acquisition whereby Fitzwilliam Finance Partners Limited (Fitzwilliam)/Wittington Investments, Limited (Wittington Canada) would acquire joint control, with investment funds managed by affiliates of Apollo Management, L.P. (Apollo), of Arnotts Holdings Limited (Arnotts).

The transaction fell within the jurisdiction of Council Regulation (EC) No 139/2004 (the EU Merger Regulation or EUMR). However following discussions among the European Commission, the Authority, Apollo, Fitzwilliam and Wittington Canada, it was agreed that Apollo would notify its acquisition of joint control of Arnotts with RBS to the European Commission under the EUMR in the first instance, and that subsequently Fitzwilliam/Wittington Canada would seek a referral from the European Commission to the Authority under Article 4(4) of the EUMR of Fitzwilliam/Wittington Canada's acquisition, with Apollo, of joint control of Arnotts. On 19 March 2014, the Authority informed the European Commission of its willingness to accept the referral of the case to Ireland as requested by the parties. The European Commission issued its referral decision on 18 March 2014 and the transaction was notified by Fitzwilliam/Wittington Canada to the Authority on 19 March 2014.

Wittington Canada is the holding company for the Weston Group, Wittington Properties and the Selfridges Group. The Selfridges Group owns and operates a number of luxury multi-category retailers in Canada, the Netherlands and the UK as well as Brown Thomas in Ireland (i.e. four Brown Thomas stores and four BT2 stores in the State).

Brown Thomas is a luxury department store in the State offering beauty, womenswear, menswear, childrenswear, footwear, accessories and homewares. BT2 is also a premium department store but carries a more limited range and targets a younger market than the main Brown Thomas stores. The four Brown Thomas stores are located in Dublin, Galway, Cork and Limerick. The four BT2 stores are located in County Dublin.

Arnotts is a multi-category retailer with a mix of own-label and branded products. It operates two stores in Dublin city centre under the names Arnotts and Boyers. Arnotts provides online retailing through its website. Most of its online retailing is in the homewares and electrical categories.

For the purpose of examining the competitive effects of the proposed transaction, the Authority examined the following two markets:

1. Multi-category non-food retailing in the Greater Dublin Area.
2. The provision of concession space by multi-category non-food retailers in the Greater Dublin Area.

During its investigation, the Authority contacted various third parties, including:

- A survey of 500 customers of Arnotts in County Dublin carried out by Millward Brown on behalf of the Authority.
- Circulation of a questionnaire to the top nine competitors of Wittington Canada and/or Arnotts in the State.
- Circulation of a questionnaire to 35 concessionaires (consisting of the top eight concessionaires in each of nine overlapping product categories - womenswear, menswear, accessories, women's footwear, men's footwear, beauty, childrenswear, jewellery, and homewares).
- Circulation of a questionnaire to 35 suppliers to both Wittington Canada and Arnotts (consisting of their top 10 suppliers in each of the nine overlapping product categories).

In addition one third party submission was received and analysed by the Authority.

On 27 May 2014 the Authority unconditionally cleared the transaction concluding that the merger would not substantially lessen competition. The Authority considered that post-merger Wittington Canada would not negatively impact consumers as it would not have the ability to raise its rivals' costs and/or harm suppliers in the market for multi-category retailing nor would it have the ability to raise rivals' costs and/or harm concessionaires in the market for the provision of concession space by multi-category non-food retailers. The Authority concluded that the transaction would not give rise to a substantial lessening of competition in any market for goods or services in the State.

## Mergers Involving Media Businesses

**Table 3: Notified Media Mergers in 2014**

Notification	Economic Sector	Date of Notification	Status
M/14/003 – Future/Wrapports/Aggrego	Online advertising	27/01/14	Cleared (phase 1)
M/14/006 - Communicorp / Cardiff Broadcasting / Gwent Area Broadcasting / Galaxy Radio / Real Radio / Smooth Radio	Radio broadcasting	10/02/14	Cleared (phase 1)
M/14/017 – Anglo Celt/Connaught Telegraph	Newspaper publishing	25/06/14	Cleared (phase 1)
M/14/018 – Sony/Step Topco (CSC Media)	TV broadcasting	01/07/14	Cleared (phase 1)

### M/13/033 – Sappho/TCH

On 10 January 2014 the Authority cleared the acquisition by Sappho Limited (Sappho) of sole control of WKW FM Limited (Beat FM) and South East Broadcasting Company Limited (WLR FM) and joint control of Siteridge Limited (Red FM) with Vienna Investments Limited (Vienna). The transaction had been notified to the Authority on 27 November 2013.

Sappho is a wholly owned subsidiary of Landmark Media Investments Limited (Landmark) whose subsidiaries publish the following national and regional daily and weekly newspapers: Irish Examiner, Evening Echo, The Laois Nationalist, The Kildare Nationalist, The Nationalist & Leinster Times, The Echo, Wexford Echo, Gorey Echo, New Ross Echo, The Western People, The Waterford News & Star, and Roscommon Herald.

Beat FM provides a regional youth radio service for counties Wexford, Waterford, Carlow, Kilkenny and South Tipperary and is aimed at young adults. WLR FM provides a local radio service for Waterford city and county and is aimed at 22-55 year olds. Red FM provides a local radio service for Cork city and county and is aimed at 15-35 year olds.

Following an extended phase 1 investigation the Authority concluded that:

- although Landmark through its subsidiaries is active in newspaper and online advertising and Beat FM, WLR FM, and Red FM are all engaged in radio advertising, radio advertising is in a different product market to other media advertising and thus there was no horizontal overlap between the parties in this regard;
- there is no horizontal overlap between Landmark's newspaper and online media interests and the media interests held by Vienna and specifically that there is no

horizontal overlap between Radio Nova (Vienna holds on trust a 36% shareholding in this radio station) and the three radio stations being acquired by Sappho. Radio Nova has a licence from the Broadcasting Authority of Ireland to broadcast in County Dublin and therefore, does not overlap geographically in terms of radio listenership with Beat FM, WLR FM, or Red FM.

- there continues to be a horizontal overlap between Beat FM and WLR FM targeting local advertising in Waterford City and County.<sup>1</sup>

To address the potential competition concerns arising because of this overlap the parties submitted proposals under section 20(3) and (4) of the Act. The Authority accepted these proposals concluding that the proposals will ensure that the competition at the margin that currently exists between Beat FM and WLR FM will be maintained post-transaction<sup>2</sup>.

## **Review of Non-Notifiable Mergers**

### **The Acquisition of certain assets of Cemex by Kilsaran and Roadstone**

The Authority also investigated one merger that was not statutorily notifiable, i.e. one that was below the statutory threshold for notification and was not voluntarily notified, but could have risked breaching sections 4 and/or 5 the Act.

On 6 August 2014 the Authority received a complaint alleging that the acquisition of certain assets of Cemex ROI Limited (Cemex) by Kilsaran and Roadstone would have serious anticompetitive effects in the markets for ready mixed concrete and stone products (aggregates).

The Authority wrote to Cemex on 13 August 2014 to enquire whether the acquisitions of its assets were indeed proceeding and if so, whether the acquisitions would meet the requirements of section 18(1) of the Competition Act 2002 for mandatory notification as a merger. Further, if the mandatory requirements were not met, whether the acquisitions would be notified on a voluntary basis.

Cemex confirmed that the acquisitions were proceeding but that the turnover of the assets concerned did not reach the thresholds for mandatory notification contained in section 18(1) of the Competition Act 2002. Furthermore the assets being acquired by each of Kilsaran and Roadstone were being acquired by way of entirely separate deals and that there was no interconditionality between the two transactions.

The Authority subsequently wrote to Cemex, Kilsaran and Roadstone on 22 August 2014 stating that it had some concerns about the proposed transactions and requesting the parties not to proceed to close any transaction that had not yet closed until such time as the Authority had an opportunity to review the position and assess the competitive impact of the transactions.

The ensuing investigation included meetings with the complainant and the three parties involved and the submission to the Authority of confidential information such as the Information Memorandum that was sent out to potential buyers, a copy of the Agreement of Sale of Business and Assets, and a copy of a competition analysis that was conducted on the acquisition of assets of Cemex.

The Authority's investigation found that:

- The process of trying to dispose of Cemex's assets was an open process, led by an independent third party, Athelera, in which an arm's length tender procedure was followed. A detailed Information Memorandum was sent to various parties

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<sup>1</sup> See M/07/022 – Thomas Crosbie Holdings/South East Broadcasting.

<sup>2</sup> A detailed description of this proposals is available on page 6 of the Authority's determination which can be accessed here <http://www.tca.ie/images/uploaded/documents/M-13-033%20Sappho%20TCH%20Public.pdf>

within the industry and it was open for parties to bid on individual assets or any combination thereof.

- The available evidence did not indicate that either acquisition would substantially lessen competition. This conclusion was based on a detailed competitive analysis supported by confidential data on competitors, volumes, capacity and HHI calculations.
- There was no prima facie evidence of a breach of the Competition Act 2002 contained in any of the information submitted to the Authority that would warrant any further investigation.

The Authority informed the parties that, based on the information available to it, the Authority did not intend to challenge or object to the completion of the proposed acquisition. The Authority also informed the parties, however, that since this acquisition was not notified to the Authority under section 18 of the Act, the Authority retained and reserved all rights to consider under the Act at some future date competition issues relating to this acquisition, its implementation, and the activities of Kilsaran and Roadstone.

### **Kerry/Breeo Case**

In 2008, the Authority blocked the purchase of Breeo by Kerry Group ([M/08/009](#)), a decision which Kerry successfully appealed to the High Court. The High Court annulled the Authority's decision to block the transaction. In 2009 the Authority appealed the High Court decision to the Supreme Court. The hearing is expected to take place in the first quarter of 2015.

## 4. PROMOTING COMPETITION IN IRELAND

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### Submissions

#### Green Paper on Energy Policy in Ireland

The Authority made a [submission](#) in July 2014 to the *Green Paper on Energy Policy in Ireland*, a public consultation process which will determine Ireland's priorities in energy policy up to 2030. The Green Paper is an important document as the price paid for energy is a determining factor in the competitiveness of the economy and affects the life of every citizen.

While oil and gas prices are determined by international markets, network costs and the costs of promoting renewable generation result from policy choices and are within the control of the Irish Government. While renewable energy can provide a cheap source of electricity some of the time, it can also raise the cost of conventional generation which will always need to be available for days when supply is intermittent due to volatile weather. The approach to subsidising renewable energy could be fine-tuned to prevent over-investment in wind projects which may not be necessary. For example, the 15-year duration of subsidies available for wind generators is very long and it is not clear why the State should underwrite risk that should be borne by private investors.

The development of the electricity and gas networks should be carried out in the most cost efficient manner possible. However, given the considerable capital costs involved in upgrading a network, the cost of capital could be reduced if the transmission networks were unbundled from the existing vertically integrated firm structures and regulated as natural monopolies.

The retail electricity and gas markets are now deregulated and, while consumers can choose their electricity and gas supplier, whether or not consumers reap the benefits of competition depends on their ability to actively search for and switch to better deals. However consumers often fail to take advantage of the attractive deals on offer. According to a CER consumer survey, 63% of people have never switched energy supplier. Given some encouragement, consumers can find better deals and switch energy suppliers. There are legitimate concerns that some consumers who are inactive in the market receive less favourable deals and may include a disproportionate share of more vulnerable households. If consumers wish to switch and are unable to do so, then actions should be taken to identify and remove the barriers to switching.

The Authority recommended that more research should also be conducted by the CER into identifying why people do not switch despite the potential for savings. If barriers to switching are identified, this may require more targeted interventions aimed at particular groups.

#### Monitoring Retail Energy Markets

In February 2014 the Authority made a submission to the CER's consultation on its approach to monitoring electricity and gas markets ([S-14-003](#)). The Authority raised concerns regarding a proposal for the CER to gather and publish the profit margins of energy suppliers.

Wide variations in margins are typical in competitive markets where suppliers employ a variety of strategies to attract customers. The Authority cautioned that the publication of retail margins by the CER could inhibit product innovation and therefore reduce competition as suppliers will be reluctant to innovate out of fear that they may be punished if margins are too high. It could also have further detrimental effects on competition if the published margins become the focal point for collusion between supposed rivals.

Consumers should be concerned about getting the best value offers and the CER's efforts should be concentrated on helping consumers to make better purchasing decisions and facilitating switching between suppliers. But there is a danger that the publication of

retail margins in a competitive market will reduce, not increase, competition, and all customers will be worse off.

Any definition of competition in retail electricity markets should reflect the idea that competition is a dynamic market process encompassing a number of features other than price and market share. In addition to price, the criteria for assessing competition in electricity should be expanded to include quality and choice.

## **Taxi Regulation**

In January 2014, the Authority made a [submission](#) to the public consultation issued by the National Transport Authority (NTA) regarding the proposal to introduce new regulations under the Taxi Regulation Act 2013. The Authority expressed the view that Regulation 13 of the draft Small Public Service Vehicle (Consolidation and Reform) Regulations 2014 could in effect copper-fasten provisions introduced in 2010 whereby all new entrants must drive a Wheelchair Accessible Vehicle (WAV). These new regulations broadly consolidated and replaced over fifty years of legislation relating to the taxi industry, in addition to introducing some new regulation.

WAVs are more expensive to purchase and drive compared to standard vehicles. The new regulations proposed that new entrants must drive a WAV that is less than six years old. In contrast, the maximum age for existing licence holders is between 10 and 15 years for standard vehicles, while the age requirements for existing WAVs were removed. This would increase the financial burden for new entrants and place them at a significant disadvantage compared to existing licence holders.

It is reasonable to expect limited new entry in the current economic environment, where prices are being discounted and the number of taxis has been falling. This means when the economy revives and the demand for taxis increases there will be fewer taxis. This is bad news for all consumers, and especially wheelchair users, who already experience considerable difficulty accessing taxi services.

The rule that new entrants must drive a WAV was introduced to improve the availability of taxi services to people with disabilities. However, the current policy is not working. The number of WAVs as a percentage of all small public service vehicle licences (i.e. taxis, hackneys and limousines) fell from 6% to 4% between June 2010 and December 2013. Instead the requirement that new entrants drive a WAV has created a permanent quantitative barrier that has done little to increase the availability of WAVs.

The Authority recommended that the draft provisions contained within Regulation 13 should be removed. It also recommended that in order to improve the percentage of WAVs in the market, the Government should first prioritise more effective ways to match supply with demand. This is an important first step to create the necessary demand to provide existing taxi drivers and potential entrants with the financial incentive to invest in WAVs.

The Small Public Service Vehicle (Consolidation and Reform) Regulations 2014 were implemented by the NTA in April 2014. They include the provisions set out in draft Regulation 13 that were commented on by the Authority.

## **Regulation of Household Waste Collection**

The Authority welcomed the fundamental objectives of the public consultation on the Regulation of Household Waste Collection, which is to strengthen the current regulatory regime in the household waste collection sector. The Authority's [submission](#) in January 2014 to the Department of Environment, Community and Local Government (DECLG) focused on policy proposals in the consultation that are environment related, but may have an impact on competition. These proposals included: (a) the regulation of pricing structures, (b) waste management collection permit fees and (c) proposals to reduce the administrative burden for applicants.

Regarding the regulation of pricing structures, the Authority's submission noted that the proposal to introduce a price per weight charging system could restrict firms' freedom to determine their pricing practice independently and thus limit competition. The submission also recommended that the DECLG should conduct a cost benefit analysis that allows them to balance the improved incentives for waste reduction against the cost of the system.

The Authority recommended that waste management permit fees should not be set at a level which deters new waste collectors entering the sector or deters small new collectors expanding their services. The submission also welcomed proposals in the consultation to introduce measures to reduce the administrative burden for those complying with the Waste Management (Collection Permit) Regulations 2007. These regulations are still under consideration by the DECLG.

### **Dublin Port Company Franchise Review**

Dublin Port Company's (DPC) Franchise Review Consultation Document was prepared on the basis of submissions received by DPC during an initial consultation period from July to September 2012, and the findings and recommendations of the Authority's study of [competition in the Irish ports sector](#). Work on the Franchise Review was put on hold pending the publication of the Authority's ports study in November 2013.

The stated aim of the Franchise Review was to maximise the utilisation of land and make Dublin Port work better for port users. Dublin Port's land is utilised by a variety of mostly private sector companies on the basis of a number of types of commercial agreements. These include leases, licences, jetty agreements and, in some cases, long-standing historical arrangements which are not formalised in writing. DPC groups all such agreements as 'franchises'. Franchises are additionally taken to include possible future agreements such as concessions.

The Authority's ports study made two key recommendations regarding existing franchise agreements in Dublin Port – namely the leasing and licensing of Lo-Lo terminals and general stevedore licensing. The Authority found that these leases and licences may have the effect of restricting competition by severely limiting the scope for new entry. It was recommended that DPC should seriously consider reducing the duration of these agreements in order to address their anti-competitive impact.

The Authority's [submission](#) to DPC in February 2014 in relation to DPC's Franchise Review Consultation Document was broadly positive regarding the policy direction being proposed by DPC in the Franchise Review Consultation Document. However, while recognising the legal challenges associated with altering the existing leases and licences, the submission stated that the Franchise Review should give a clearer signal to port users and potential port service providers that DPC is resolute in its efforts to improve intra-port competition. In particular, the Authority was concerned that the criteria under which DPC was proposing to issue new general stevedore licences were overly restrictive and protected the incumbents' position to an extent that did not seem justified either in the interests of the port or port users.

Resulting from its review, DPC published a new franchise policy in May 2014. This new policy takes on board some of the views expressed by the Authority in its submission and the findings of its December 2013 report on Competition in the Irish Ports Sector.

### **Transport Strategy 2015-2017**

The Authority welcomed the opportunity to provide input into the drafting of the Department of Transport, Tourism and Sport's revised *Statement of Strategy 2015-2017*. Over the past five years, the Authority has actively encouraged the Department to facilitate greater competition in transport sectors. In October 2014, the Authority made a submission to the Department of Transport, Tourism and Sport in respect of the Department's *Statement of Strategy 2015-2017*. This [submission](#) focused on what specific reforms the Authority considered were required in bus passenger, taxi and the

ports sectors as these are areas in which the Authority has had substantive public engagement with the Department and/or the NTA.

The Authority acknowledged the progress made regarding the reform of bus licensing legislation and the Department's ongoing assistance in relation to the Authority's work in the ports sector. However, at a broad level, the Authority believed that the Department and the National Transport Authority (NTA) should realign their core objectives towards providing transport services that are consumer-focused. Reforms that place greater competitive pressure on incumbents contribute enormously towards this objective and should be clearly stated in the Department's revised *Statement of Strategy 2015-2017*.

A full list of formal submissions made by the Authority in 2014 can be found at **Appendix D**.

## Advice to Government Departments and Agencies

### Private preschools on public primary school grounds

The Authority received a number of complaints in 2014 regarding the operation of private preschools on public primary school grounds. Complainants have argued that (a) these services are often established in the absence of any tendering process and (b) private preschools operating on public primary school grounds have an unfair competitive advantage because they operate in a more favourable regulatory environment than they otherwise would.

While these issues are likely to fall outside the remit of competition law, the Authority recognises the potential for such practices to have anti-competitive effects. For this reason, the Authority met with the Department of Education and Skills (DES) in August 2014 to discuss the concerns being raised. In summary, the Department acknowledged that the current practice, whereby certain private preschool service providers can operate within the precincts of a public primary school, can cause difficulties for nearby private service providers who have not been provided with any opportunity to tender to provide such services on the grounds of the public primary school.

In order to alleviate concerns, the Department has proposed to produce specific guidance to Boards of Management to ensure that the impact of any decision to provide preschool services within the precincts of a public primary school is fully considered and specifically the guidance will seek to ensure that opportunities to provide such services are made available to existing local preschool service providers in a more open and transparent manner. The Authority welcomed this development and agreed to a DES request to provide input to the guidance when it is drafted. Any such input will now be provided by the Competition and Consumer Protection Commission.

### Competition in the household waste collection market

The waste management policy statement (A Resource Opportunity – Waste Management Policy in Ireland) published by the Department of Environment, Community and Local Government (DECLG) in July 2012 requested the Authority to produce a report on competition in the household waste collection market in 2016 to contribute to the DECLG's mid-term review of the implementation of the new waste management policy.

In order to produce the report, it is important that the relevant data and information are collected over a significant time period in advance of undertaking the report to allow for a meaningful assessment of how competition is working in the household waste collection market. The Action Plan for Jobs 2014 (APJ 2014) allows for the Authority, the DECLG and other relevant agencies such as the Environmental Protection Agency (EPA) to work together to assess data requirements and availability to facilitate a study in 2016.

The Authority completed the first of these steps on time – i.e. the assessment of data in relation to waste collection currently available through official channels. The Authority also made the DECLG aware of data which is required but is currently unavailable. The

Authority also took steps to continue working with the DECLG and other relevant agencies to (a) determine the full set of data required to facilitate comprehensive analysis of waste collection markets and (b) establish a data collection facility or facilities accessible on a cross agency basis. This work will be completed by the Competition and Consumer Protection Commission.

### **Taxi Advisory Committee**

The Authority had a representative on the Taxi Advisory Committee to provide ongoing guidance and advice on any issues that may arise that could have a negative impact on competition and consumers. Meetings of the Committee are conducted on a confidential basis so the Authority was not therefore in a position to comment further on the details of those meetings in this report.

## **Recommendations from Previous Reports**

### **Government Commitment**

In 2011, the Government announced that, in respect of recommendations made by the Competition Authority in future market studies, the Minister with relevant policy responsibility for those recommendations will, within nine months of the publication of the report, bring a report to Government giving their position on implementation of the recommendations.

### **Ports study recommendations**

The Authority published its report on *Competition in the Irish Ports Sector* in November 2013. In August 2014, the Minister for Transport, Tourism and Sport, Paschal Donohoe, T.D., responded to the recommendations made in the Authority's ports study. The Minister's response is summarised as follows:

- **Leasing and licensing arrangements:** The Minister noted that the Authority's report was broadly welcomed by the commercial ports sector. There were two sector specific recommendations contained in the Authority's ports study: Recommendation 1 – Leasing and licensing of Dublin Lo-Lo terminals and Recommendation 2 – Stevedore licensing.

Recommendation 1 stated that Dublin Port Company (DPC) should seriously consider reducing the duration of the Lo-Lo terminal licences. Recommendation 2 stated that at least two new general stevedore licences should be issued by DPC.

Regarding Recommendation 1, the Minister noted that all issues relating to the lease of lands in the port are a statutory function of the directors of DPC and not a matter in which the Minister has any role. It was noted that the impact of the recently adopted *Directive on the award of concession contracts (2014/23/EU)* and the proposed *Regulation establishing a framework on market access to port services and financial transparency of ports (COM2013/296)* on this particular recommendation required consideration.

Regarding Recommendation 2, the Minister again emphasised that the provision of services and the management and operation of a company's harbour are all statutory functions of the port companies and not areas in which the Minister has any role. He also stated that developments at a European legislative level (see above) may help to largely address the Authority's concerns.

- **Port closure and amalgamation:** Recommendation 3 stated that if a merger is being proposed, the Department of Transport, Tourism and Sport should be required to seek the views of the Authority to ensure that the merger does not substantially lessen competition.

The Minister stated that the Department is happy to agree a procedure whilst mindful of the need to avoid creating unnecessary administrative or regulatory burdens.

- **Data collection and performance measures:** Recommendation 6 stated that the Department should prioritise the collection and development of new data metrics and port performance measures for larger ports.

The Minister stated that the National Ports Policy commits to introducing a number of improvements in the area of data collection and port performance measurement. He notes that while the work programme planning in the area has now commenced, it is at a very early stage of development.

### Solicitors and Barristers

The Legal Services Regulation Bill continues to progress through the Oireachtas. As of 30 October 2014 the Bill was at Report Stage of debate and enactment is anticipated in the first quarter of 2015, followed by the establishment of the new independent Legal Services Regulatory Authority thereafter. The Bill builds on the recommendations the Authority made in its report [Competition in Professional Services – Solicitors and Barristers](#) and other recommendations made by the Legal Costs Working Group, established by the Minister for Justice, Equality and Law Reform in 2004.

The most important innovation of the Bill and the key recommendation of our report was the introduction of an independent regulator for the legal profession - instead of the present system of self-regulation by the Bar Council and the Law Society. This would be in line with Better Regulation principles and mirror reform in other sectors and in the legal profession in other countries. The Bill provides for the establishment of a new regulator of both branches of the legal profession to protect and promote the interests of consumers.

### Waste Collection

In a submission to the Department of Environment, Community and Local Government in 2011 entitled "[Altering the Structure of Household Waste Collection Markets](#)", the Authority recommended that in markets where side by side competition is not working well for household waste collection competitive tendering should be introduced. The Authority welcomed the announcement by the Minister for the Environment and Local Government, Alan Kelly, in September 2014, that he is supportive of competition for the market and that this will be considered when deciding future reforms for the sector.

### Other Areas of Advice

In addition to the major areas of work outlined above, the Authority engaged with Government Departments and public bodies in 2014 on a range of other policy issues. These are summarised in Table 4 below.

**Table 4: Advice Provided to Government Departments and Public Bodies in 2014**

Government Department	Topic
Department of Agriculture, Food & the Marine	Fallen Animal Scheme
	CAP Reforms
	Beef Industry Issues
Department of Education	Operation of Pre-Schools on School Grounds
Department of the Environment	Waste Collection

& Local Government	Producer Responsibility Initiatives
Department of Jobs, Enterprise & Innovation	Registration of Accountants
	Peer to Peer Services
Department of Health	Dentists Act
	Universal Health Insurance
Department of Transport, Tourism & Sport	Strategy Statement
	Ports Study Recommendations
	Pilotage
<b>Public Bodies</b>	
CORU	Codes of Conduct
Commission for Energy Regulation	Monitoring Retail Energy Markets
Dublin City Council	Waste Collection Services
Health Insurance Authority	Regulation of Health Insurance Providers

## Raising Awareness

### Education and Outreach

The Authority's outreach activity to the business community continued in 2014 with the Authority participating in a number of events aimed largely at the SME sector. It took part in 12 events throughout the country during the year, meeting thousands of businesses and their representative groups, to help them better understand what businesses need to know about competition law and how they can avoid becoming victims of anti-competitive behaviour.

### Taking Care of Business

Taking Care of Business is an initiative by the regulatory bodies within the Department of Jobs, Enterprise and Innovation which brings the organisations together in one place at free half day events where anyone interested in setting up a business or in a start-up can come and find out about all of the public supports available to them. Four events took place in 2014 in Limerick, Galway, Cork and Dublin, with over 1,500 businesses attending overall.

### Public Procurement and Competition

The Authority worked with the Office of Government Procurement (OGP) and a number of other stakeholders in relation to producing guidance for SMEs on how they can participate in consortium bids, while staying on the right side of competition law. The guide delivers on an important commitment in the Action Plan for Jobs 2014, as part of a suite of measures to make it easier for SMEs to access procurement opportunities from Government.

The guide was developed to assist businesses who want to join together to form a consortium to submit a joint tender for a public contract. The OGP has been tasked with centralising public sector procurement arrangements which is designed to improve efficiency and value for money in public purchasing. In early 2014 the OGP adopted new measures that aim to make public procurement more accessible to SMEs. Among other

things, the OGP's measures encourage SMEs to consider using consortia where they are not of sufficient scale to tender in their own right. Consortium bidding must be carried out in a way that complies with competition law. The Authority consulted with the OGP to produce this guide for SMEs. The guide was published by the Competition and Consumer Protection Commission in December 2014.

### **Education Outreach**

The Authority also engaged with a number of third level colleges and other educational and training institutes to inform students, academics, trainee lawyers and others about the role of the Authority, its work and about competition law in general.

In 2014, staff of the Authority gave 17 lectures at various universities, colleges and institutions.

### **Professor Richard Whish Seminar Series**

The Authority hosted two seminars by Professor Richard Whish in 2014. Richard is Emeritus Professor of Law at King's College, London. Members of staff from the Authority, along with representatives from the Department of Jobs, Enterprise and Innovation, the Director of Public Prosecutions, the National Consumer Agency and ComReg attended the seminars. During the seminars, Professor Whish presented an overview of recent developments in EU and UK competition law.

A full list of presentations and speeches given by staff of the Authority in 2014 can be found at ***Appendix E***.

## **5. INTERNATIONAL WORK**

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### **European Commission**

The Authority attended Oral Hearings and Advisory Committee meetings of the European Commission on behalf of Ireland in relation to competition enforcement and initiatives on competition law and policy. Before adopting a decision finding an infringement, for example, or adopting a phase 2 decision in relation to a proposed merger, the Commission must hold an Oral Hearing. This is to give defendants, complainants and interested third parties, or merging parties an opportunity to voice their opinion. The Commission must then consult an Advisory Committee, to which each Member State belongs and in which they can articulate their opinions.

The Commission also consults with Member States on proposed enforcement practices, guidance, policies and legislation relating to competition law and policy. The Authority participated in this by attending decision-making and other meetings including Advisory Committees and Oral Hearings. In addition, the Authority made written and oral contributions to policy and case analyses. Given constraints on resources the Authority did not attend all meetings but focused resources on those cases that had an (actual or potential) impact on Irish consumers and on the high level meetings that encouraged the consistent and efficient application of EU law.

Enforcement staff represented the Authority at five Advisory Committee meetings in 2014.

During the year the Mergers Division continued to liaise extensively with the Commission in the investigation of the Hutchison 3G UK / Telefonica Ireland acquisition and provided comments to the EU Commission on each of the different sets of proposals offered by the parties in that case. The Mergers Division followed the progress of and participated in the Advisory Committee hearings of the following EU Merger Review cases:

- Hutchison 3G UK / Telefonica Ireland – Case No. COMP/M.6992
- Holcim / Cemex West – Case No. COMP/M.7009
- Telefonica Deutschland / E Plus – Case No. COMP/M.7018
- Cemex / Holcim Assets – Case No. COMP/M.7054

In 2014, the Mergers Division also followed the progress of and provided its views to the Commission, where appropriate, in several other cases.

In addition, on 22 October 2014 the Authority made a submission to the Commission in response to its public consultations on possible improvements to EU merger control in two areas: minority shareholdings and the transfer of cases between the Commission and national competition authorities.

### **EU Merger Working Group**

In 2014, the Authority contributed to the work of the EU Merger Working Group in relation to fostering convergence between the merger enforcement regimes of Member States and to the implementation of the Commission White Paper “Towards more effective EU Merger Control”. The Authority attended both working group meetings in 2014 and submitted its responses to the consultations on possible improvements to EU merger control.

### **European Competition Network**

#### **ECN Food Subgroup**

The ECN Food Subgroup provides national competition authorities and the Commission with an informal platform for the exchange of experiences and good practices in the food

sector. Throughout 2014, the Food Subgroup assisted the Commission in drafting (non-binding) Guidelines which aim to provide specific guidance to producers, courts and the national competition authorities of Member States on the application of Articles 169, 170 and 171 Regulation 1308/2013 establishing a common organisation of the markets in agricultural products (the CMO Regulation). The CMO Regulation allows producers of olive oil, beef and veal live animals and arable crops to jointly sell their products in a recognised Producer Organisation (PO) subject to the creation of significant efficiencies through common activities other than joint-selling. Each national competition authority, in conjunction with their respective Ministries of Agriculture, provided their views, discussed and consulted on the issues raised by the Guidelines at the various ECN Food Subgroup meetings and by way of written submissions and comments on the draft text of the Guidelines. In 2015 the Commission will publicly consult on the draft text of the Guidelines.

### **ECN Banking and Payments Subgroup**

The Authority participated in the ECN's Banking and Payments subgroup. The European Central Bank estimates that retail payments including credit and debit cards account for up to 25% of total bank revenues. The payments industry has therefore been closely scrutinised by the European competition authorities in recent years.

An efficient, secure and fully integrated EU payments market is essential for the development of competition across a range of sectors and underpins the functioning of the EU internal market itself. The adoption of the Single Euro Payments Area (SEPA) will have real benefits for consumers as they will be able to make payments throughout Europe as easily and cheaply as they can domestically. SEPA eliminates the need to maintain accounts in different countries in the euro zone. In the longer term the roll-out of SEPA credit transfer and direct debit will allow for the development of innovative cross-border payment products, for example for internet or mobile payments.

#### **Mastercard**

In September 2014, the European Court of Justice upheld an earlier decision by the EU Commission that the credit card company Mastercard had imposed unjustifiably high fees and hidden fees for payments with credit and debit cards.

These fees known as Multilateral Interchange Fees (MIFs) are fees exchanged between banks for processing card transactions. MasterCard applied a business model in which a mechanism was in place that effectively fixed a minimum price that retailers had to pay for accepting MasterCard branded cards. This MIF was applied to virtually all cross-border card payments in the EEA and to domestic card payments in Belgium, Ireland, Italy, the Czech Republic, Latvia, Luxemburg, Malta and Greece. The Commission took the view that MasterCard's MIF restricted competition due to the fact that the fee inflates the base on which acquiring banks charge prices to merchants for accepting MasterCard payment cards. As the MIF accounts for a large part of the final price businesses pay for being able to accept payment cards, the creation of an artificial price floor by imposing an MIF is in principle liable to restrict price competition and constitutes an infringement of EU competition law.

As a result of the Mastercard case, cross-border MIFs have been capped at 0.2% of the transaction value for debit card payments, and at 0.3% for credit card payments.

### **ECN Technology Transfer Block Exemption Working Group**

The Commission introduced a revised Technology Transfer Block Exemption Regulation (TTBER) and revised Guidelines in March 2014. In February the Authority attended the meeting where the final drafts of the documents were discussed.

A technology transfer agreement is a licensing agreement where one party (the licensor) authorises another party or parties, the licensee(s), to use its technology (patent, know-how, software licence) for the production of goods and services.

The rules on how to assess the compatibility of technology transfer agreements with EU competition law are set out in two instruments, the TTBER and accompanying Guidelines. The TTBER exempts certain categories of licensing agreements concluded between companies that have limited market power and that respect certain conditions set out in the TTBER. Such agreements are deemed to have no anti-competitive effects or, if they do, the positive effects outweigh the negative ones. The Guidelines provide guidance on the application of the TTBER as well as on the application of EU competition law to technology transfer agreements that fall outside the safe harbour of the TTBER.

The TTBER and accompanying Guidelines came into effect on 1 May 2014 and remain valid until 2026.

### **Insurance Block Exemption Regulation Working Group**

The Commission is currently beginning a review of Commission Regulation (EU) No 267/2010 of 24 March 2010 on the application of Article 101(3) of the Treaty to certain categories of agreements, decisions and concerted practices in the insurance sector. This is referred to as the Insurance Block Exemption Regulation (IBER). It expires in 2017. The current IBER allows two categories of Horizontal Agreements between insurers to be exempt from Article 101 provided certain market share thresholds and boundaries on what can be shared are met. These types of agreements are

- i) joint compilations, tables and studies, and
- ii) common coverage of certain types of risks (pools).

The Authority attended a meeting in June 2014 to discuss the next steps in the review.

### **Co-operation Working Group**

#### *ECN Working Group on Competition Issues and Due Process*

The ECN Working Group on Competition Issues and Due Process (WGCIDP) examines the state of convergence of enforcement procedures in the various Member States. It also focuses on the practical aspects of co-operation between the members of the Network.

In 2014, the Group drafted Recommendations on the Power to Conduct Interviews and the Privilege against Self Incrimination. It also launched a project on the existing practice and problems encountered in Member States on the notification and the enforcement of acts adopted by national competition authorities when applying Articles 101/102 TFEU in relation to undertakings established in other Member States. Some of these projects included the completion of questionnaires by each national competition authority.

#### *ECN Cartels Working Group*

The ECN Cartels Working Group meets usually twice a year to discuss issues of mutual concern in the enforcement of competition law as regards cartels across all Member States. Members share information and experiences from cases with a view to developing best practice in the detection and prosecution of cartel offences across Europe. This group has been centrally involved in the development of the ECN Model Leniency Programme.

The Working Group had one meeting in May 2014 in Riga, Latvia, at which the Authority was represented and at which a number of ongoing cartel cases in various Member States were discussed.

Presentations were also given on issues that have arisen in Member States in relation to their respective Leniency Programmes and on new competition laws pending in Member States. A second meeting of the Working Group took place in November 2014 in Brussels.

## ECN Newsletter and ECN Brief

The ECN produces two documents concerning the activities of ECN members.

The ECN *Newsletter* is an internal confidential document that details investigations, studies and other activities of interest to the Network. There were five issues of the ECN *Newsletter*. The Authority submitted four articles to the *Newsletter* in 2014.

The ECN *Brief* gives information to the public on the activities of ECN members a few times a year. To view past editions of the ECN *Brief* go to

<http://ec.europa.eu/competition/ecn/brief/index.html> .

## ICN

The Authority was a member of the International Competition Network (ICN), where it had representatives participating in five working groups. They were Agency Effectiveness, Cartels, Mergers, Unilateral Conduct and Advocacy. Much of the work is carried out via conference calls and a number of webinars took place on specific subjects during the year.

The ICN Unilateral Conduct Working Group was set up to promote greater convergence and sound enforcement of laws governing unilateral conduct. The Authority worked on formulating content for the new ICN Unilateral Conduct Workbook Chapter on Tying and Bundling. This document will add to the analytical framework set out in previous ICN publications dealing with the assessment of Predatory Pricing and Exclusive Dealing.

Two members of staff represented the Authority at the 11<sup>th</sup> Annual ICN Cartel Workshop in Taipei, Taiwan, which was hosted by the Taiwan Fair Trade Commission. The theme of this year's Workshop was "Enhancing International Co-operation in the Fight against Cartels" and one staff member of the Authority acted as a moderator in a session on "Reviewing the efficacy of and dealing with setbacks in implementing and running a leniency programme".

The Member in charge of the Mergers Division represented the Authority at the ICN Annual Conference in April 2014 and spoke on "Fostering Convergence in Merger Analysis" at a breakout session.

## OECD

The Authority engaged with the Competition Committee of the Organisation for Economic Co-operation and Development (OECD), the world's premier source of policy analysis and advice to governments on how best to harness market forces in the interests of greater global economic efficiency and prosperity. Bringing together the leaders of the world's major competition authorities, the Committee is the chief international forum on important competition policy issues.

In 2014, in addition to submitting a report on competition policy developments in Ireland for the previous year, the Authority submitted a written response to an OECD Competition Committee questionnaire relating to the role of competition in financial consumer protection. The Authority also submitted a written response to an OECD working party questionnaire relating to consummated and non-notifiable mergers (e.g. an outline of Irish policies for challenging consummated mergers). The Authority also provided oral comment on this mergers topic.

A full list of formal submissions made by the Authority in 2014 can be found at ***Appendix D***.

## 6. CORPORATE SERVICES

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### Finance

The Competition Authority's financial accounts were subject to audit by the Comptroller & Auditor General (C&AG). As the audit of its 2014 accounts is unlikely to be completed until some time during 2015, it is not possible for the Authority to publish its annual audited accounts in the 2014 Annual Report. The Competition and Consumer Protection Commission will publish the accounts of the Competition Authority on its website as soon as the audit is completed. These will be the dissolution accounts of the Authority and will cover the period 1 January 2014 to 30 October 2014, the latter date being the date of dissolution of the Authority.

The Authority's grant from the Department of Jobs, Enterprise and Innovation for 2014 was €4,955,000. On 30 October 2014, the estimated, unaudited, expenditure amounted to c. €4 million.

Income from merger notifications up to 30 October 2014 was €248,000. Each merger notified to the Authority under the Act had to be accompanied by a fee of €8,000. The income received from merger notifications was paid over to the Exchequer through the Department of Jobs, Enterprise and Innovation.

The Code of Practice for the Governance of State Bodies requires that in the interests of transparency and good governance, State bodies should publish in their reports details of the salary of their Chief Executive. While the Authority did not have a specific post of Chief Executive Officer, it considered that the Chairperson of the Authority, Isolde Goggin, fulfilled that role. The annual salary of the Chairperson of €170,345 was set by the Department of Public Expenditure and Reform in compliance with Government pay policy and was equivalent to the remuneration of a Deputy Secretary General in the Civil Service as set out in Appendix 1A of the Department of Finance Circular E107/22/06. The Chairperson did not receive any bonuses or additional remuneration. The salaries of all staff of the Authority were set by Government and no additional remuneration or special allowances were paid.

### Internal Audit

The Authority's Audit Committee was independent in the performance of its functions and was not subject to direction or control from any other party.

The Authority's Audit Committee met on four occasions during 2014 and also had a joint meeting with the Audit Committee of the National Consumer Agency. During 2014 the Committee directed that a number of audits be conducted on its behalf by Capita Consulting, the Authority's internal auditors. In addition to reviewing the reports on these audits, the Committee also reviewed progress on implementation of any outstanding audit recommendations from 2013 audit reports.

The Committee also reviewed the Authority's audited accounts for 2013 and the C&AG's report arising from his audit.

### Freedom of Information

The Authority received two requests under the Freedom of Information Acts between January 2014 and 30 October 2014. One was subsequently withdrawn and the fee refunded. The other request was part granted in that some of the records requested in the possession of the Authority were released while access to others was refused on the grounds that they were commercially sensitive.

### Human Resources

The Authority continued to be governed by the Public Service moratorium on recruitment and associated Employment Control Framework in 2014. There were some staff changes

during 2014 and as at 30 October 2014 the Authority had 45.6 whole-time equivalents, leaving it with three vacancies.

## Customer Service

The Authority had a Customer Charter in which we committed to providing the highest level of service possible. We did this by setting out the standards of service that someone could expect from us. We also set out how customers could obtain information from us and how to provide us with feedback on the level of service provided.

The charter also contained a commitment on our part to report annually how we have lived up to the standards that we have set. In terms of our written and electronic correspondence our commitment is to acknowledge receipt of all correspondence within three days and to issue a more substantive response within 15 days. From our records it would appear that 99% of incoming correspondence was acknowledged within the three day target and 22% of correspondence received a more substantive response within the 15 day target. Our commitments in relation to service to telephone contacts and personal callers to our office were not as easily measured and so we relied on feedback from our customers. We did not receive any feedback or complaints and so while the lack of complaints is not a definitive indication of complete satisfaction, we can assume that we generally met the commitments set out in our charter.

**A. APPENDIX: COMPETITION AUTHORITY MEMBERS JAN-OCT 2014<sup>3</sup>**

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**Isolde Goggin**

**Chairperson**

**Director of Advocacy Division, Corporate Services Division and Strategy Division**



**Stephen Calkins**

**Director of Mergers Division**



**Gerald FitzGerald**

**Director of Monopolies Division**



**Patrick Kenny**

**Director of Cartels Division**



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<sup>3</sup> Karen O'Leary was appointed a temporary Member of the Competition Authority in September 2014  
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## B. APPENDIX: MERGERS NOTIFIED TO THE COMPETITION AUTHORITY IN 2014

Notification	Economic Sector	Date of Notification	Status
M/14/001	Aircraft leasing	06/01/2014	Cleared (phase 1)
M/14/002	Private equity investment and the provision of asset management services	22/01/2014	Cleared (phase 1)
M/14/003	Sale of online advertising	27/01/2014	Cleared (phase 1)
M/14/004	In-vitro diagnostics ("IVD")	04/02/2014	Cleared (Phase 1)
M/14/005	Manufacture and sale of precision engineered medical devices	04/02/2014	Cleared (phase 1)
M/14/006	Radio advertising	10/02/2014	Cleared (phase 1)
M/14/007	Clinical CRO	26/02/2014	Cleared (phase 1)
M/14/008	Non-food retail	19/03/2014	Cleared (phase 1)
M/14/009	Enterprise Education	24/03/2014	Cleared (phase 1)
M/14/010	Renewable energy	25/03/2014	Cleared (phase 1)
M/14/011	Dental care	08/04/2014	Cleared (phase 1)
M/14/012	Enterprise software and associated services to utilities	15/04/2014	Cleared (phase 1)
M/14/013	Fuel card services	17/04/2014	Cleared (phase 1)
M/14/014	Asset management services.	17/04/2014	Cleared (phase 1)
M/14/015	Medical devices	09/05/2014	Cleared (phase 1)
M/14/016	International payments services	11/06/2014	Cleared (phase 1)
M/14/017	Newspaper publishing	25/06/2014	Cleared (phase 1)
M/14/018	Supply of television channels	01/07/2014	Cleared (phase 1)
M/14/019	Outdoor holiday sector	18/07/2014	Cleared (phase 1)
M/14/020	Telecommunications	25/07/2014	Cleared (phase 1)
M/14/021	Supply of business supplies	21/08/2014	Cleared (phase 1)
M/14/022	Global custody services and fund administration services	28/08/2014	Cleared (phase 1)
M/14/023	Outsourced services industry	19/09/2014	Cleared (phase 1)
M/14/024	Healthcare services	13/10/2014	Cleared (phase 1)
M/14/025	Financial services	13/10/2014	Cleared (Phase 1)
M/14/026	Supply of food products to the retail and food service sectors	17/10/2014	Preliminary investigation (phase 1)

M/14/027	Datacentre solutions	22/10/2014	Preliminary investigation (phase 1)
M/14/028	Passenger and cargo air transport	24/10/2014	Preliminary investigation (phase 1)
M/14/029	Medical devices	24/10/2014	Preliminary investigation (phase 1)
M/14/030	Crude oil and petroleum products storage	28/10/2014	Preliminary investigation (phase 1)
M/14/031	Hotel accommodation	30/10/2014	Preliminary investigation (phase 1)

## C. APPENDIX: STATISTICS ON MERGERS EVALUATED 2011-2014

	2014	2013	2012	2011
<b>Notified Mergers</b>	<b>31</b>	<b>37</b>	<b>33</b>	<b>40</b>
required notifications [section 18(1)]	30	37	33	40
voluntary notifications [section 18(3)]	1	0	0	0
<b>Carried from previous year</b>	<b>4</b>	<b>6</b>	<b>4</b>	<b>6</b>
carried as phase 1	4	6	4	5
carried as phase 2	0	0	0	1
<b>Referred from the EU Commission (ECMR Art 9)</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>TOTAL CASES</b>	<b>35</b>	<b>43</b>	<b>37</b>	<b>46</b>
of which media mergers	5	5	3	5
of which entered phase 2 in year of determination	1	2	0	1
of which entered phase 2 in year previous to determination	0	0	0	1
<b>Cases Withdrawn</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>0</b>
Withdrawn at phase 1	0	0	1	0
Withdrawn at phase 2	0	0	0	0
<b>Determinations Delivered</b>	<b>29</b>	<b>39</b>	<b>30</b>	<b>42</b>
Phase 1 Determinations cleared without proposals	27	37	30	40
Phase 1 Determinations with proposals	1	0	0	0
Phase 2 positive Determinations without conditions or proposals	1	2	0	2
Phase 2 Determinations with proposals	0	0	0	0
Phase 2 Determinations with conditions	0	0	0	0
Phase 2 Prohibitions	0	0	0	0
<b>Referral to EU Commission (ECMR Art 22)</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Carried Post 30 October, 2014</b>	<b>6</b>	<b>4</b>	<b>6</b>	<b>4</b>
Carried as phase 1	6	4	6	4



## D. APPENDIX: FORMAL SUBMISSIONS BY THE COMPETITION AUTHORITY IN 2014

Submission Number	Submission to	Topic	Summary
S-14-001	The Department of the Environment, Community & Local Government	Regulation of Household Waste Collection	Waste collection firms must be free to set their own prices for their services
S-14-002	National Transport Authority	Taxi Regulation	Regulatory restrictions which prohibit entry will distort competition and are not in consumers' interests
S-14-003	Commission for Energy Regulation	Monitoring Retail Energy Markets	The publication of energy suppliers' margins could reduce competition and lead to higher prices and less choice
S-14-004	Dublin Port Company	Franchising of Port Facilities	New stevedore licences are overly restrictive and protect the incumbents' position to an extent that does not seem justified
S-14-005	Department of Communications, Energy & Natural Resources	Ireland's Future Energy Policy	Competition can contribute to meeting Ireland's commitments to reduce CO2 at reduced cost
S-14-006	Department of Transport, Tourism and Sport	Transport Strategy 2015-2017	Competition in transport services can promote economic recovery and job creation by improving efficiency and innovation, by keeping prices, costs and Exchequer funding down
S-14-007	European Commission	Towards More Effective EU Merger Control	The submission addressed the issue of minority shareholdings raised by the European Commission in the consultation document
S-14-008	OECD Competition Committee Working Party 3	Investigation of Consummated and Non-Notifiable Mergers	Submission to the Roundtable on investigation of consummated and non-notifiable mergers
S-14-009	OECD	Competition in Financial Consumer Protection	Response to OECD Competition Committee questionnaire relating to the role of competition in financial consumer protection



## E. APPENDIX: SEMINARS, SPEECHES, PRESENTATIONS & PAPERS

Title	Forum	Date	Person
Enforcement of Competition Law	Law Society of Ireland	17 January	David McFadden
Some Issues from Prosecuting Criminal Cartels	White Collar Crime extra-mural class, Trinity College Dublin	28 January	David McFadden
Opening Statement on Competition in Irish Ports	Joint Oireachtas Committee on Transport and Communications	5 February	Isolde Goggin
Competition Law in Ireland	Association of Chartered Certified Accountants	5 February	Patrick Kenny
The Work of the Competition Authority	Law and Economics of Competition Class, University College Cork	11 February	Anne Ribault-O'Reilly
Participant	Global Antitrust Institute Competition Law & Economics Symposium for International Competition Officials, Virginia, US	14 February	Stephen Calkins
Competition in the Irish Ports Sector	Forfás, IDA and Enterprise Ireland	18 February	Ciarán Aylward
Panel Discussion	National Health Forum	19 February	Isolde Goggin
Competition in the Irish Ports Sector	Transport Economics Class, Trinity College Dublin	21 February	Ciarán Aylward
Reforming the EU Merger Regulation – Minority Interests	Irish Society for European Law Competition Law Forum, Dublin	5 March	Stephen Calkins
Top Tips for Business	Taking Care of Business, Strand Hotel, Limerick	11 March	Joseph Walser
Public Procurement and the Competition Act	Public Affairs Ireland	11 March	Patrick Kenny
The Role of Economics in Competition Policy	Economics, Finance and Account MA Class, NUI Maynooth	14 March	Patrick Kenny
Anti-competitive Practices: Investigation by the Competition Authority	MBA Class, Dublin Institute of Technology	14 March	Anne Ribault-O'Reilly
The Work of the Competition Authority	Law, Business and Economics Faculty, Griffith College Dublin	19 March	Anne Ribault-O'Reilly
Collusion and exclusion under the Competition Act	Industrial Organisation, Department of Economics, UCD	24 March	Patrick Kenny
The Work of the Competition Authority	Global Financial Systems MSc Class, Waterford Institute of Technology	24 March	Anne Ribault-O'Reilly
Telecommunications Regulation	Athlone Institute of Technology	25 March	Isolde Goggin
Top Tips for Business	Taking Care of Business, Radisson Blu, Galway	25 March	Ciarán Quigley
An American in Dublin	ABA Antitrust Law Spring Meeting, Washington DC, USA	26 March	Stephen Calkins

Top Tips for Business	Taking Care of Business, Silver Springs, Cork	1 April	Cathal Hanley
Some Issues from Prosecuting Criminal Cartels	Dublin Solicitors' Bar Association: White Collar Crime	1 April	David McFadden
The Work of the Competition Authority	Master of Engineering Management Programme, University College Dublin	4 April	Anne Ribault-O'Reilly
The Role of Competition Policy in the Agri-food Sector	Corporate Direction (Food Business) class, University College Cork	8 April	Cathal Hanley & John Burke
Competition Enforcement	EU Competition Law class, UCD Sutherland School of Law	17 April	Stephen Calkins
Enforcing Competition Law	Civil Law, Economics and Politics and Law classes, Dublin City University	25 April	Eoghan Ó hArgáin
Fostering Convergence in Merger Analysis	13 <sup>th</sup> Annual International Competition Network conference, Marrakech, Morocco	25 April	Stephen Calkins
The Work of the Competition Authority	Croatian Delegation, Dublin	20 May	Anne Ribault-O'Reilly
Use of Commitment Decisions	European Competition Authorities Annual Meeting, Prague, Czech Republic	22 May	Stephen Calkins
Competition Law in Times of Crisis	8 <sup>th</sup> Annual IMEDIPA Conference, New Challenges in Competition Law Enforcement, Istanbul, Turkey	6 June	Stephen Calkins
Economic Analysis and Oligopoly in Competition Law	8 <sup>th</sup> Annual IMEDIPA Conference, New Challenges in Competition Law Enforcement, Istanbul, Turkey	6 June	Stephen Calkins
Competition Law in Ireland	Institute of Directors, Belfast	13 June	Patrick Kenny
Institutional Design of Competition Authorities	European University Institute, Florence	11 July	Isolde Goggin
Thoughts and Observations on Case Handling Procedures	2014 Seoul National University and Sookmyung Women's University Mini-Conference, Seoul, South Korea	3 September	Stephen Calkins
Competition Enforcement and Competitive Neutrality	8 <sup>th</sup> Seoul International Competition Forum, Seoul, South Korea	4 September	Stephen Calkins
Enhancing Competition Law in Asia, with a Focus on Procedural Law: a Non-Asian Perspective	18 <sup>th</sup> International Workshop on Competition Policy, Seoul, South Korea	5 September	Stephen Calkins
New Laws and Enforcement Issues	American Chamber of Commerce Antitrust/Competition Forum	10 September	David McFadden
Varied Structures for	Canadian Bar Association National Competition Law	18 September	Stephen Calkins

Competition and Consumer Protection	Section's 2014 Annual Competition Law Fall Conference, Ottawa, Canada		
Reviewing the efficacy of and dealing with setbacks in implementing and running a leniency programme	11 <sup>th</sup> Annual ICN Cartel Workshop, Taipei, Taiwan	1 October	Eksteen Maritz
Your Business and Competition Law	Sligo Chamber of Commerce	2 October	David McFadden
Enforcing Competition Law	LL.M Business Law class, University College Cork	7 October	David McFadden
Top Tips for Business	Taking Care of Business, Dublin Castle	16 October	Stephen Calkins

