

I refer to the consultation process by the Competition and Consumer Protection Commission (the Commission) in relation to the Commission's Strategy Statement from 2015 – 2017.

RGDATA is the representative body for the independent retail grocery sector in Ireland with members operating in most communities nationwide. In the past RGDATA has had interaction with the Competition Authority and the National Consumer Agency and our comments in this consultation reflect our experience in this regard.

Your consultation process has raised certain specific questions which we reply to as follows;

1. How should we prioritise sectors of the Irish economy that would benefit most from intervention to increase competition and promote overall economic welfare?

The prioritisation of sectors should be guided particularly by the extent to which specific sectors impact on consumer spending nationally. If the objective of the Commission is to enhance competition for the benefit of consumers, it would make sense that the priority in the Commission's focus should be on areas of economic activity that account for the largest share of consumer expenditure.

2. How should we prioritise our enforcement activities?

Similarly risk based enforcement activities should be prioritised on the basis of the positive impact that enforcement can have on consumer welfare, mindful that often businesses can be consumers of goods and services which contribute to their subsequent offering to consumers.

3. How should the Commission encourage compliance with competition and consumer law?

The best way of encouraging compliance with competition and consumer law is through effective engagement with businesses and their representative bodies as a precursor to more formal enforcement measures. It is also important that businesses have confidence in the enforcement role of the Commission and that the approach to dealing with businesses is fair minded and balanced. It is also critical that the Commission operates in a timely fashion and is responsive to complaints on competition law submitted by business representatives. It was a regrettable feature of RGDATA's engagement with the Competition Authority in the past that the substantive response to complaints took an unreasonably long time and the Authority was often unresponsive to becoming involved in competition issues which arose in a B2B context. The impact of anticompetitive activity against a SME can be particularly damaging for that enterprise, especially when the enterprise is in a customer facing business, such as retailing. The Commission needs to demonstrate that it will adopt a timely and open approach to the investigation of complaints and not be dismissive of or unresponsive to complaints submitted from businesses. Anti competitive actions impacting on a customer facing business have the potential to damage consumers.

4. How should we go about empowering consumers to be in a better position to make the right choices and assert their rights?

The most effective way of empowering consumers is to provide them with the information on their rights. There are a range of ways that this can be achieved, including through joint initiatives with business groups. One challenge that established and compliant businesses face is having to compete with casual traders who do not fully comply with the legal obligations

imposed under consumer law – it is important that consumers are advised that shopping with casual traders can often involve a trade off in their capacity to subsequently assert their consumer rights. Again information is key to creating this awareness.

RGDATA looks forward to a constructive relationship with the Commission and looks forward to the Statement of Strategy when published.

Yours sincerely

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