

Co-operation with Other Authorities

Background

The European Competition Authorities (ECA) group was founded in 2001 as a forum for discussion among competition authorities in the European Economic Area (EEA). The forum also acts as an informal network of co-operation for European competition authorities. The ECA's annual meeting was in March where Isolde Goggin, Chairperson of the CCPC spoke on the subject "Co-operation with Other Authorities".

Isolde Goggin remarks

In many European countries National Competition Authorities (NCAs) are responsible for the entire process of investigating, deciding on and punishing infringements of competition law. However, in Ireland only the courts can make a finding that an undertaking has breached the law. This means that, in civil enforcement matters, the CCPC investigates the case and conducts legal proceedings in the courts. In serious criminal matters, such as hard-core cartels, the CCPC conducts its investigations in co-operation with An Garda Síochána, and passes a file to the Director of Public Prosecutions (DPP). Over the years we have learnt a lot about the investigation of criminal matters from the Gardaí and the DPP, and this co-operation continues to grow and deepen.

On civil matters, such as abuse of dominance cases or advocacy, we co-operate with the large number of sectoral regulators who have powers to promote competition, protect consumers or both. Our legislation allows us to enter into formal co-operation agreements with other bodies, and in the competition sphere we have such agreements with the Commission for Communications Regulation, the Commission for Energy Regulation, the Broadcasting Authority of Ireland, the Commission for Aviation Regulation, the Health Insurance Authority and the National Transport Authority.

These agreements allow us to exchange information with each other on written request (with the caveats that the information must only be used for the purposes for which it is requested, and that any confidentiality provisions attached to the information must be respected); and to exercise discretion not to act in a matter if the other party is already acting in it, so as to prevent duplication of effort. Both parties are also required to consult each other if investigating identical issues of competition. These agreements, together with their statutory underpinning, are useful in fostering co-operation between regulatory bodies and in ensuring clarity for regulated entities as to which body (if any) is acting in a particular matter.

