

# Competition and Consumer Protection Commission **Annual Report**

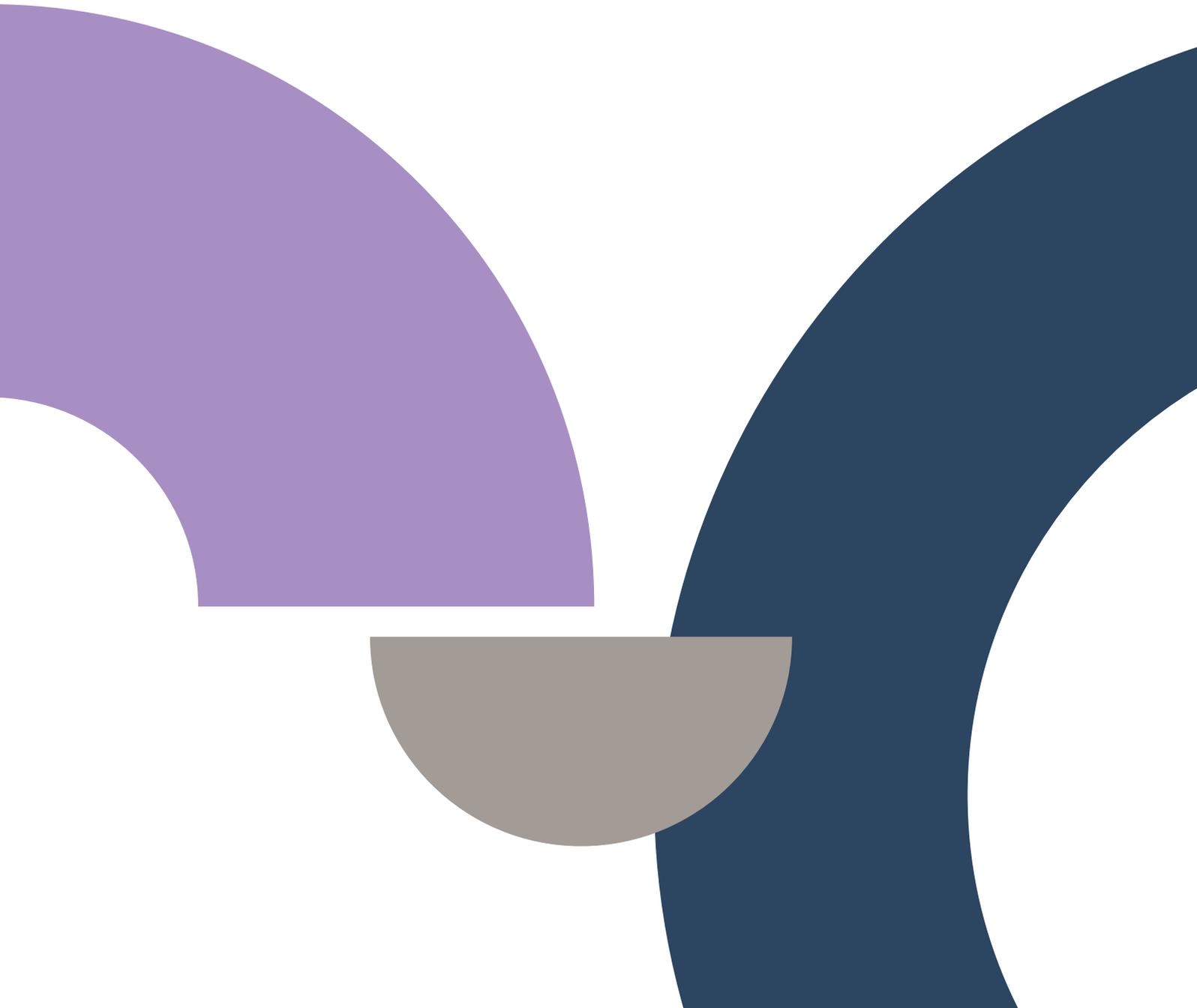
2017





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## Introduction

2017 saw the CCPC make significant progress in achieving our strategic objectives, with Ireland's first conviction for bid rigging, the first custodial sentence for selling a clocked car and we considerably strengthened our staff numbers. Last year also saw one of the most significant advancements in competition law in recent years, with the publication of the European Commission's proposal to empower Member States' competition authorities to be more effective enforcers (ECN+ Directive). This Directive is particularly important to Ireland as we are currently out of line with most European countries in our ability to detect competition law breaches. Having the ability to impose financial penalties would enable us to better deter, detect and investigate breaches of competition law. Over many years, we have advocated for the introduction of these penalties and we welcome the significant progress that has been made in this important area of competition law.

## Making an impact

Although we are a relatively small agency, compared to our counterparts internationally, we are a young organisation with considerable energy and much ambition. Having both a competition and consumer protection remit allows us to assess market issues holistically and propose effective remedies. Following an initial investment in recruitment and training, we have successfully created the operational models required to guide our work and to realise the advantages of examining markets with a 360 degree perspective. This has allowed us to gain significant momentum, as evidenced in the number of high priority sectors we are involved in including mortgages, vehicle crime, PCP car finance, event ticketing, domestic waste, motor insurance and residential care.

Last year our activities spanned a number of different sectors where business behaviours or structural issues were distorting particular markets. In addition to ending particular behaviours or business practices the CCPC's compliance and enforcement actions act as a wider deterrent, as all businesses are reminded that they will be penalised if they engage in anti-competitive behaviour or breach consumer protection law and that the CCPC is active in seeking to put a stop to such practices.

## Challenges ahead

Given the high degree of integration between the Irish and UK economies, there is no doubt that the UK leaving the EU will have an impact not only on businesses but also on Irish consumers and households. Last year we commissioned ESRI research to assess what the potential impact of Brexit could be on Irish households, based

on two Brexit scenarios. The analysis found a potential increase in the cost of living of between €892 and €1,360 per year for the average household. The study also found that the increases would be unevenly distributed across households, with lower income households most affected by price rises. However, the implications of the research also highlighted an opportunity for domestic businesses, particularly the food industry, in the form of import substitution. The results of this study have informed a wider understanding of the potential impact of Brexit and will assist in ensuring Ireland's preparations are as comprehensive as possible.

As we move closer to the UK's departure from the EU it is important that we, as an organisation, do not get distracted from the day job and that we maintain the momentum of our work. In essence our core job will remain the same, but we need to be prepared for the change in context which Brexit will bring. We are currently assessing our structures and capability to ensure that we are ready to deal with the new reality that the eventual deal brings. We will also grasp all opportunities to increase our influence at European level when the UK leaves.

We continue to work with our parent Department, Business, Enterprise and Innovation, to assess the impact of Brexit across all of our work and feed this into the wider Government preparations.

## Priorities

Last year we developed our new Strategy Statement, which will guide us in the period from 2018-2020 and ensure that our focus is always on the issues and business practices which impact most negatively on large groups of consumers or distort a particular market.

In addition to continuing with our work in assessing mergers, enforcing product safety legislation, informing consumers about their rights and personal finance and ensuring compliance with relevant Grocery Goods legislation, there are a number of sectors that we are actively involved in. The areas of priority for the CCPC in 2018 include ongoing investigations in the motor insurance, bagged cement and ticketing sectors, completing studies on PCP car finance, the domestic waste collection market and residential care for the elderly.

At a time when Ireland is preparing for the impact of Brexit, maintaining Ireland's competitiveness and attractiveness as a good place to do business is essential. Artificially high business costs, created by anti-competitive conduct, may make Ireland less attractive for foreign direct investment and as a small open economy, Ireland is dependent on foreign investment as a major source of employment and a driver of economic growth. As a result in 2018, procurement continues to be a significant priority for the CCPC as we continue to work with various State agencies and organisations to develop awareness of the warning signs of bid-rigging and explore the potential of developing screening tools in the procurement process.

## The future

I would like to express my gratitude to the staff of the CCPC whose effort, dedication and enthusiasm have been integral in shaping the CCPC into the organisation that it is today. I would also like to acknowledge the support of our parent Department, Business, Enterprise and Innovation, particularly in relation to their assistance in helping us to fill a large number of vacancies and also for their efforts in a European context to ensure that our powers are fit for purpose.

2018 is likely to be another significant year, not only for the CCPC but for Ireland as a whole. Our vision for open and competitive markets where consumers are protected and businesses actively compete has never been more relevant. I am confident that with this vision guiding us and the wealth of experience and ambition that the organisation has, the CCPC will continue to strive forward and make a difference in markets where consumers need us most.

A handwritten signature in cursive script, reading "Isolde Goggin", written in black ink. The signature is positioned above a thin horizontal line.

**Isolde Goggin**  
Chairperson

# About us

The CCPC is governed by a Chairperson and Commission. Isolde Goggin is the Chairperson and during 2017 there were four Members – Patrick Kenny, Karen O’Leary, Fergal O’Leary and Brian McHugh. Karen O’Leary resigned as a Member of the Commission on 28 April 2017, while Brian McHugh was appointed as a Member of the Commission on 1 September 2017. Each Member oversaw a number of Divisions in the CCPC on behalf of the Commission.

## Members of the CCPC in 2017



**Isolde Goggin**  
Chairperson



**Patrick Kenny**



**Fergal O’Leary**

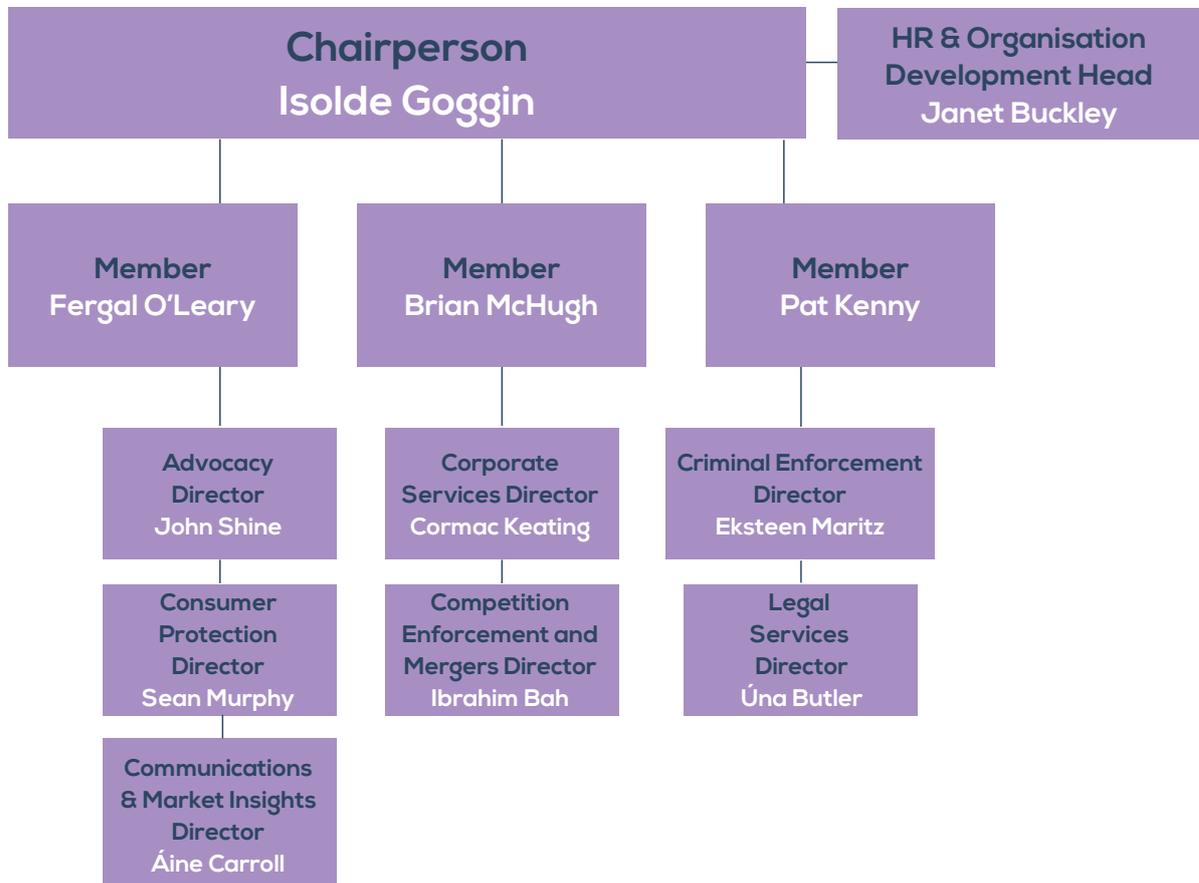


**Brian McHugh**



**Karen O’Leary**

## Our structure – January 2018



# Strategic Goal 1

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**We will use our enforcement and regulatory powers to make markets work better and get the best results for consumers.**

The CCPC is responsible for enforcing competition and consumer protection law. We identify potential breaches of the law by analysing the information we receive from consumers, businesses, other Irish agencies, as well as our European and international counterparts. We also undertake our own market surveillance and information gathering. Our enforcement powers enable us to identify, detect, investigate and where appropriate take enforcement action to address breaches in competition and consumer protection law. The CCPC also has regulatory functions in the areas of merger assessment, credit intermediaries, grocery goods and alternative dispute resolution.

# Goal 1 - How we achieved this in 2017

## Enforcement

- Following an investigation into a cartel in the commercial flooring sector, we secured the first criminal conviction in Ireland for a bid rigging cartel offence, with fines, director disqualification and a suspended prison sentence imposed by the Central Criminal Court. At the end of 2017 the leniency of the sentence was under appeal by the Director of Public Prosecutions (DPP).
- We secured the first custodial sentence and two other criminal convictions against traders for the provision of false information to a consumer in relation to the mileage of a car (see page 16).
- We successfully closed, with commitments, an investigation into potential anti-competitive behaviour by the Irish Property Owners' Association (IPOA). The IPOA was also required to roll out a compliance programme.
- We obtained commitments from a number of Irish universities to change their procurement practices in relation to the procurement of graduation gowns services (see page 13).
- 35 Fixed Penalty Notices were paid by 25 traders and 12 Compliance Notices took effect in relation to breaches of consumer protection law. In summary:
  - 34 Fixed Payment Notices were paid by 24 traders for breaches of pricing and price display order legislation
  - One Fixed Payment Notice was paid by a trader who failed to reimburse delivery costs to a consumer as required under the Consumer Rights Directive
  - Five Compliance Notices took effect in relation to traders who charged more for a product than the price displayed
  - Four Compliance Notices took effect in relation to traders who failed to comply with, or provided misleading information about consumers' legal rights under, the Consumer Rights Directive
  - One Compliance Notice took effect in relation to a trader who misled consumers as to their legal rights under Sale of Goods legislation
  - Two Compliance Notices were served and three Undertakings were signed by traders for misleading consumers in the sale of cars

Further details on consumer protection enforcement concluded in 2017 is available on page 49.

## Investigations

- We continued to investigate potential bid-rigging in the procurement of publicly funded transport services.
- We commenced a formal investigation into suspected anti-competitive conduct in the ticketing services sector (see page 10).
- We held multiple witness summons hearings and obtained over 1.25 million emails and documents from parties under investigation into potential anti-competitive price signalling in the motor insurance sector (see page 12).
- We issued eight witness summons and six formal Requirements for Information notices in the course of investigating potential breaches of competition law.
- We assisted the European Commission in two separate competition searches and assisted a Member State with a competition investigation.
- We opened 11 new screening files and closed 17 relating to potential criminal breaches of competition law.
- We opened 26 new screening files and closed 29 relating to potential civil breaches of competition law. Seven of the files reviewed related to abuse of dominance.
- 196 screening files were opened in relation to potential vehicle crime; 147 of which were closed with no enforcement action required.
- We commenced an investigation into a suspected incident of “gun jumping”, i.e. where a merger that meets the turnover thresholds was implemented without being notified and cleared by the CCPC.
- We received 72 merger notifications and issued 68 determinations on transactions assessed in 2017. Four of which required formal commitments.
- We examined eight potential pyramid schemes operating in Ireland.
- In October, we commenced an examination of potential anti-competitive behaviour by a trade association, Nursing Homes Ireland (see page 11).

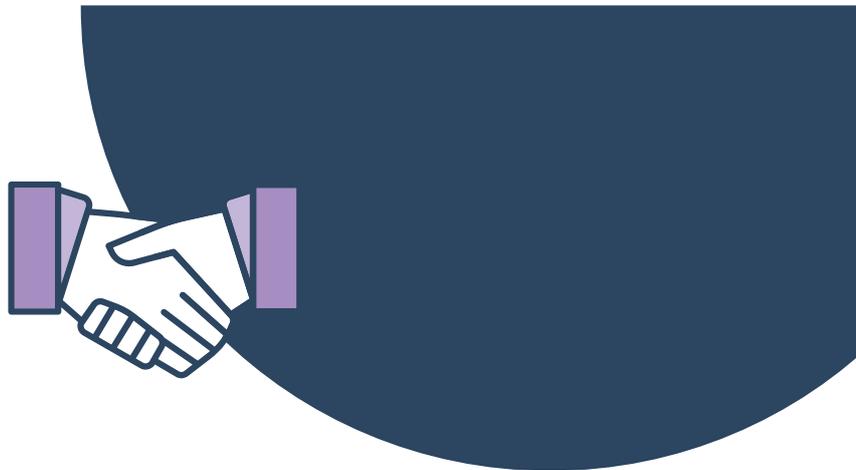


## Compliance

- We inspected 93 trader premises to check compliance with consumer protection legislation.
- 74 consignments containing approximately 482,702 products were referred to the CCPC by Customs to assess the safety of the products and to verify that the products complied with the requirements of product safety legislation (see page 12).
- We assisted the French consumer protection authority (DGCCRF) by collating information on over 200 complaints from consumers relating to French property leaseback schemes. 152 of these complaints were subsequently submitted to the DGCCRF to identify potential breaches of consumer protection legislation and have been included in their 2018 work programme.
- We conducted unannounced inspections of motor garages across the country to ensure compliance with consumer protection legislation.
- We published 82 recall notices relating to products available in the Irish market. We are also the Irish contact point for a Europe-wide rapid alert system for unsafe products called RAPEX, which contains a list of all product recalls that have taken place in the EU. We published details of 357 Rapex recall notifications where the recalled product may have been placed on the Irish market.
- We received compliance reports, in accordance with the statutory deadline for submission, from relevant retailers and wholesalers who are subject to the Grocery Goods Regulations.

## Authorisation

- We issued authorisations for 838 Credit Intermediaries and issued three licences for Pawnbrokers.



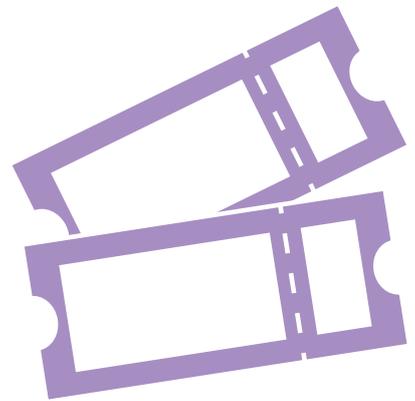
# Goal 1 - Priorities in 2017

## Ireland's first conviction for bid-rigging

On 31 May 2017, the CCPC in conjunction with the DPP secured the first conviction in Ireland for a bid rigging cartel offence, following an investigation in the commercial flooring sector. Mr Brendan Smith was convicted of impeding a criminal prosecution and given a three-month suspended sentence. Mr Smith was also fined €7,500 and disqualified from acting as a company director for a period of five years. An undertaking, Aston Carpets and Flooring was also fined €10,000. The leniency of the sentences were appealed by the DPP. The prosecution has further increased awareness of bid rigging amongst Irish businesses and those involved in procurement.

## Ticketing

During 2017, we began an investigation into suspected breaches of competition law in the provision of tickets and the operation of ticketing services for live events in Ireland. The investigation was opened following an analysis of the market and a review of public contacts relating to the sector. Our investigation is primarily focused on potentially anti-competitive conduct by operators including: those involved in providing tickets and ticketing services, promoters and venues. By the end of 2017, 235,000 electronic documents were obtained by the CCPC and multiple witness summons hearings were held as part of the investigation. We have also engaged with many industry participants in Ireland and the UK as well as competition authorities in other jurisdictions in Europe.



## Motor vehicle crime

Traders who sell cars to consumers must ensure that the information that they provide about a car is not false or misleading. If traders mislead consumers about the vehicles they are selling or if they sell defective vehicles, they are breaking the law. The motor sector has been an on-going priority for the CCPC and in 2017, we announced that we were commencing unannounced inspections of car dealers nationwide. The focus of these inspections is to identify and take enforcement action against dealers who are misleading consumers in the sale of crashed and/or clocked cars.

In 2017, our enforcement efforts resulted in the first custodial sentence and two further criminal convictions by the courts against traders involved in misleading consumers in the sale of clocked cars. In addition, we issued two Compliance Notices and secured three Undertakings from traders (see page 16).

## Nursing homes sector

In October 2017, the CCPC commenced an examination of potential anti-competitive behaviour by a trade association, Nursing Homes Ireland (NHI). The CCPC became aware of a meeting organised by NHI at which collective action in response to the Fair Deal Scheme was allegedly discussed. We commenced an examination to determine whether NHI and its members had implemented any of the suggestions made at the meeting, which included collective action to potentially increase the contributions required from nursing home residents, potentially refuse new admissions from acute hospitals and to limit the number of new beds made available under the Fair Deal Scheme. The investigation was ongoing at the end of 2017.

In this same sector, in September 2017, we commenced a project relating to the use of standard term contracts in the provision of long-term residential care services for older people. The aim of the project is to produce a set of guidelines for those providers who use standard form contracts in long-term residential care services. The guidelines will set out the obligations and responsibilities that service providers must adhere to under EU and Irish consumer protection law when using standard form contracts. The guidelines will also assist consumers who may wish to challenge the fairness of their contract terms. Our guidelines will be published in 2018.

## Consumer protection work in Europe

European consumer protection law is enforced at a national level by relevant authorities. The EU Consumer Protection Cooperation (CPC) network is comprised of national authorities, including the CCPC, who are responsible for enforcing EU consumer protection laws in EU and EEA countries.

Under the CPC framework: any authority in a country where consumer protection law may be breached can ask its counterpart, in the country where the trader is based, to take action to stop this breach of law. Authorities can also alert each other to malpractices that could spread to other countries and, with the European Commission's support, authorities can also coordinate their approaches to applying consumer protection law so as to tackle widespread infringements.

Among the activities undertaken by the CCPC in 2017 within this context were:

- We assisted the French consumer protection authority (DGCCRF) by collating information on over 200 complaints from consumers relating to French property leaseback schemes. 152 of these complaints were subsequently submitted to the DGCCRF to identify potential breaches of consumer protection legislation and have been included in their 2018 work programme.
- Following requests received through the CPC we conducted nine site visits in Ireland relating to potential consumer protection infringements. We continue to engage with our European counterparts on these matters.
- Competent authorities in member states can also work together to enforce

EU consumer protection law in the Single Market. This can be facilitated by the adoption of common positions on major issues. In 2017, the CCPC, as part of a common position, engaged with the Volkswagen Group to address concerns that had emerged as a result of diesel emissions issues. The CCPC also participated in a common action that requested the main social media operators (Facebook, Twitter, Google+) to: (i) bring their terms of service into conformity with EU consumer protection law; and (ii) create a “notice and action” procedure for CPC authorities to report and request the removal of online illegal content.

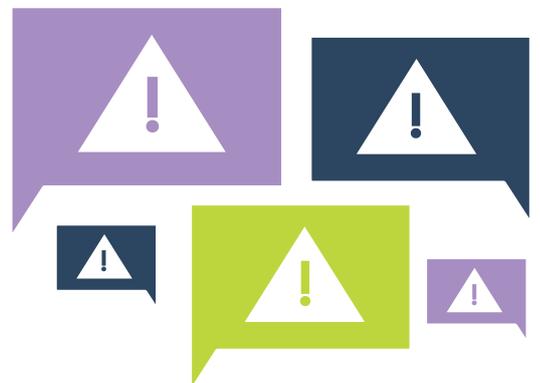
## The motor insurance sector

The CCPC opened an investigation in 2016 into potential price signalling in the motor insurance sector. We were concerned by public statements made by insurance companies forecasting that motor insurance premiums would rise. Statements signalling future pricing intentions may result in a degree of unspoken coordination between competitors which may breach competition law. This investigation continued in 2017 and during the course of the year, we held multiple witness summons hearings and obtained over 1.25 million emails and documents from parties under investigation. Assistance was also provided to the European Commission in their separate investigation in the motor insurance market.

## Keeping consumers safe

The CCPC is responsible for enforcing legislation relating to the safety of a wide range of non-food consumer products covered by five EU Directives. Our aim is to ensure that goods placed on the Irish market do not pose a safety risk to consumers. Each year we investigate hundreds of potentially unsafe products, we inform consumers of product recalls and we alert consumers in Ireland to safety warnings from other EU states.

In October 2017, following information from Revenue and Customs, we stopped two consignments in Dublin Port containing over 700 Halloween products. Following an investigation we determined that the products did not meet the required safety standards set out in Irish and EU legislation. As a result, we ordered the destruction of the products. We also issued a warning to consumers informing them about the seizure and providing practical information about what to look for when buying Halloween costumes and props for children.



## Commitments from Irish universities in the procurement of graduation gown services

In late 2017, the CCPC secured commitments from a number of Irish universities to change their procurement practices in the tendering for graduation gown services. Following a complaint, the CCPC sought commitments to ensure that tender processes would take place regularly to encourage greater competition among suppliers and potentially lower the cost for students.

Commitments were given by the National University of Ireland, Trinity College Dublin, Dublin City University and the University of Limerick to put a number of measures in place in order to facilitate more competition and ensure increased transparency in the tendering of gowns, including:

- A reduction in the length of the supply contracts to no more than two years with a one year extension in place for the on-campus supply and fitting of graduation gowns.
- The decoupling of photography and gown supply contracts.
- Each university must state clearly on its website that students have the option of sourcing gowns from other suppliers if they choose to do so.

## Merger control

In 2017, the CCPC received 72 merger notifications, involving businesses which generated an estimated aggregate turnover of €56 billion within the State. We issued determinations in respect of 68 proposed mergers and acquisitions. The CCPC also increased its monitoring of merger activities in the State in order to establish whether businesses were complying with the merger notification requirements under competition law.

### In summary:

- There was an increase of approximately 7.5% in the number of mergers notified in 2017.
- The most prominent sectors were motor fuel (retail/wholesale) and information and communications technology. Mergers in financial and insurance services were also high.
- Of the 72 notifications received, nine (12.5% of cases) required an extended Phase 1 investigation.
- Four media mergers were notified:
  - The Color Company TM/Certain assets of Irish TV
  - Landmark Digital/BenchWarmers
  - Bay Broadcasting/Classic Rock Broadcasting t/a Radio Nova
  - Irish Times/Irish Examiner

- Unconditional determinations were issued in respect of The Color Company TM/certain assets of Irish TV and Landmark Digital/BenchWarmers and the remaining two, Bay Broadcasting/Classic Rock Broadcasting and Irish Times/Irish Examiner, were still under investigation at the end of 2017.
- One notified merger, Siris Capital Group (US) LLC/Synchronoss Technologies INC (US), was subsequently withdrawn after the parties reported that they did not meet the financial thresholds for mandatory notification.
- Of the 68 determinations issued, 61 were issued in respect of mergers notified during 2017 and the remaining seven were in respect of mergers notified towards the end of 2016.
- The CCPC took an average of 24 working days to issue a Phase 1 decision compared with 26 working days in 2016.
- Determinations were made in respect of seven out of the nine extended Phase 1 investigations within a time period ranging from 50 to 85 working days, while the remaining two were still under consideration at the end of 2017.
- The CCPC is required to monitor EU merger activity and when there is a significant interest to Ireland we attend and participate in EU merger advisory committees. In 2017, we closely followed the European Commission's investigations into a number of proposed mergers including the following: Bayer/Monsanto, 21st Century Fox/Sky, Orange/Jazztel, Greenergy/Inver, Facebook/WhatsApp, Qualcomm/NXP Semiconductors.

### **Merger determinations with commitments**

While the CCPC did not prohibit any mergers during 2017, formal commitments to alleviate competition concerns were required and obtained from parties in respect of the following cases:

- M/17/012 – Kantar Media/Newsaccess
- M/17/021 – Applegreen/50% of Joint Fuels Terminal
- M/17/027 – Dalata/Clarion Liffey Valley/Clayton Cardiff Lane
- M/17/036 – Sean Loughnane/Crinkle Fine Foods

### **A voluntary notification – Kantar Media/Newsaccess**

On 2 February 2017, through market surveillance, we became aware of the proposed transaction whereby Mediawatch Limited, trading as Kantar Media, a wholly owned subsidiary of WPP plc, would acquire sole control of Newsaccess Limited (Newsaccess).

Both Kantar Media and Newsaccess provided media monitoring services (multichannel media monitoring and media analysis services). The parties informed the CCPC that the proposed transaction fell below the financial thresholds for mandatory notification. Following a preliminary assessment of information in its possession, we were

concerned that the proposed transaction would result in Kantar Media removing its closest and most substantial competitor from the market. We informed the parties that they should make a voluntary notification of the proposed merger.

On 9 March 2017, the proposed transaction was notified. During the investigation, we identified competition concerns arising from the proposed transaction. To address these concerns and facilitate replacement of the competition that would have been lost as a result of the proposed transaction, we required Kantar Media to submit proposals. Under these proposals, Kantar Media committed to ensuring that Newsaccess divested its fixed assets and released a number of contracted customers of Newsaccess from the remaining term of their fixed term contracts. The proposals were appropriate and effective in addressing our competition concerns. And, following an extended preliminary Phase 1 investigation, the CCPC on 11 July 2017, cleared the proposed transaction subject to these binding commitments.

### **Failure to notify**

The Competition Act 2002, as amended, requires that proposed mergers or acquisitions which meet certain turnover thresholds must be notified to the CCPC. If a proposed merger or acquisition is required to be notified to the CCPC, a notification must be made before the proposed merger or acquisition is put into effect. In August 2017, we became aware that Armalou Holdings Limited, through Spirit Ford Limited, may have acquired Lillis O'Donnell Motor Company Limited without notifying the acquisition to the CCPC. After a preliminary assessment, in October 2017, we commenced an investigation into the suspected breach of the notification requirements under section 18(1) of the Act, which is an offence under sections 18(9) and 18(10) of the Act. This investigation was still ongoing at the end of 2017.



A detailed analysis of 2017 merger reviews is available on page 55.



## In Focus

### A ruling from the Supreme Court – Irish Cement Limited

As part of an investigation into potential anti-competitive behaviour in the bagged cement industry, we carried out an unannounced search at the premises of Irish Cement Limited (a subsidiary of CRH plc) in May 2015. During the search, the CCPC seized a number of electronic documents including the mailboxes of a number of current and former key employees and senior executives of Irish Cement Limited. In November 2015, CRH brought a High Court action against the CCPC arguing that certain emails in the mailbox of one such senior executive were unrelated to the business of Irish Cement Limited and therefore could not be reviewed by the CCPC. The High Court ruled in favour of CRH in April 2016. In May 2017, the Supreme Court dismissed an appeal brought by the CCPC against the High Court's judgment.

Arising from the Supreme Court's judgment, we are currently seeking to agree a procedure with CRH which would allow us to review the material in the disputed mailbox in a manner which complies with the privacy rights set out in Article 8 of the European Convention on Human Rights. More generally, arising from the Supreme Court's judgment, we have also undertaken a review of our search procedures in order to ensure that the privacy rights of businesses and individuals before, during and after future search operations.

### First custodial sentence for motor offences

2017 saw the first custodial sentence for providing a consumer with false information in relation to the mileage of a car. Over the years, the CCPC has built a strong track record of taking enforcement action against a significant number of traders across the country for motor vehicle related offences.

In February 2017, Judge John Brennan of Dublin District Court convicted former Dublin car trader, Mr Jonathan McSherry, and sentenced him to three months in prison for providing a consumer with false information in relation to the mileage of a car. The sentencing of Mr McSherry, who was trading at Station Road Autos, Clondalkin, Dublin 22 followed an investigation and subsequent prosecution by the CCPC. This followed a complaint from a consumer.

In addition, in June 2017, Dublin car trader, Mr Timmy Keane, was given a six month suspended sentence by Judge John Brennan of Dublin District Court, for also providing a consumer with false information in relation to the mileage of a car. The sentence, suspended for 12 months, followed a CCPC investigation. This sentence was in addition to the €5,000 compensation Mr Keane was required to pay to the affected consumer following an application we made on behalf of the consumer for a compensation order.

Mr Oleksandr Matveyshyn, trading from 'MIV Motors' at 6 Cross Roads Business Park, Kilbarry, Waterford, was also convicted at Waterford City District Court of providing false information about the mileage of a BMW car, which had been sourced and imported from the UK. Mr Matveyshyn was fined €500 and had costs of €1,000 awarded against him. In addition Mr Matveyshyn was required to pay a compensation order of €8,000 to the consumer.

Successful convictions within the courts system reinforce the message that the CCPC will take decisive enforcement action where needed and encourage improved compliance in the sector.

# Strategic Goal 2

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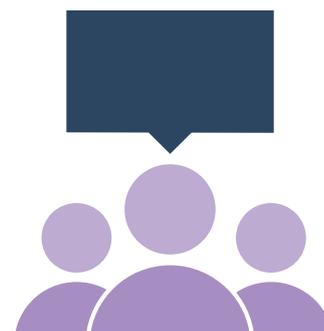
## **We will promote the benefits of competition and consumer protection through our advocacy and public awareness activities**

The CCPC's advocacy and public awareness activities play an integral role in promoting the benefits of competition and consumer protection for the whole of the Irish economy. We utilise our knowledge and experience of markets and sectors to inform our interactions with Government, public representatives and the public sector. We represent the interests of consumers through participation in groups, fora and networks at a national and European level. We also work to influence developments in competition and consumer protection law and policy both in Ireland and in Europe.

## Goal 2 - How we achieved this in 2017

### Advocating

- We published a Mortgages Options Paper for Government proposing a number of actions in the short, medium and long term which are designed to address ongoing issues and difficulties in the Irish mortgage market (see page 24).
- We commissioned the Economic and Social Research Institute (ESRI) to conduct research into the potential financial impact of Brexit on the price of everyday household goods.
- We advocated to address gaps in the Irish competition enforcement regime particularly through our support of the European Commission's proposed ECN+ Directive.
- We commenced a study of the household waste collection market to inform the future development of national waste management policy.
- We commissioned research to gain further understanding of the levels of financial capability and wellbeing among consumers in Ireland.
- We continued our joint funding of PRICE Lab (Programme of Research Investigating Consumer Evaluations). PRICE Lab is a collaborative research programme in behavioural economics, undertaken by the ESRI, and has been underway since 2013.
- We began a study of the Personal Contract Plan (PCP) car finance market to assess the scale of the market and the suitability of the current consumer protection regime.
- We advocated against legislation proposing the introduction of a price cap on standard variable rate mortgages, as we believed that a rate cap could ultimately increase rates and undermine competition.



### Representing

- We made two appearances before Joint Oireachtas Committees to discuss the subjects of a) the market for standard variable rate mortgages and b) ongoing issues with tracker mortgages.
- In advocating for competition and consumer protection interests we attended 27 meetings with Government Departments, regulators, public sector bodies and other stakeholders.
- We participated in 31 advocacy related external fora including board meetings, working groups and stakeholder engagement events.

- We made submissions to four Oireachtas Committees and responded to six public consultations.

## Informing and promoting

- We liaised with the Office of Government Procurement with a view to raise awareness of bid-rigging and to develop a screening tool to assist in identifying potential occurrences of bid-rigging.
- We received over 1.7 million visits to our corporate website, ccpc.ie, which provides information on a wide variety of topics including; consumer rights, financial education, mergers, research and the work of the CCPC.
- The media is a key channel in providing information to a wide range of stakeholders. In 2017, we responded to 322 media queries and 85 interview/briefing requests.
- We published a set of guidelines to assist mobile phone traders in understanding applicable consumer protection legislation and the obligations placed on them when concluding contracts with consumers for mobile phone handsets.
- We took part in the DBEI's Taking Care of Business event, to help inform traders about their obligations under competition and consumer protection law.
- We presented to a wide range of audiences including trade associations, traders, universities and at international events about competition and consumer protection law.
- We delivered consumer protection law training to Citizens Information Cork.

## Goal 2 - Priorities in 2017

### A voice for consumers

The CCPC represents consumers' interests in public policy debates by highlighting to Government Departments, their agencies and other public bodies about the importance of competition and consumer protection for the economy as a whole and what is permitted under the law.

Our advocacy work also includes engagement with the private sector to demonstrate that competition and consumer protection offers opportunities for efficient, innovative businesses to thrive. The CCPC focuses its advocacy resources on sectors and issues that have the most impact on the daily lives of consumers and as with our enforcement priorities, our advocacy interventions are underpinned by evidence and robust analysis.

**Below is a snapshot of the submissions made by the CCPC in 2017**

Body	Topics
<b>Various Oireachtas Committees</b>	<ul style="list-style-type: none"> <li>• The funding of domestic water services</li> <li>• Regulating the grocery sector</li> <li>• Proposals for regulation of variable rate mortgages</li> <li>• Civil or administrative fines for breaches of competition law</li> </ul>
<b>Legal Services Regulatory Authority</b>	<ul style="list-style-type: none"> <li>• Legal partnerships</li> <li>• Multi-disciplinary practices</li> <li>• Issues relating to Barristers</li> </ul>
<b>Commission for Communications Regulation</b>	<ul style="list-style-type: none"> <li>• Review of non-geographic numbers</li> </ul>
<b>Central Bank of Ireland</b>	<ul style="list-style-type: none"> <li>• Public consultation 'Enhanced Mortgage Measures: Transparency and Switching'</li> </ul>
<b>Commission for Aviation Regulation</b>	<ul style="list-style-type: none"> <li>• Passenger representation in regulatory decision making for Dublin airport</li> </ul>
<b>Commission for Regulation of Utilities</b>	<ul style="list-style-type: none"> <li>• The all-island energy market/I-SEM</li> <li>• Review of competition in the electricity/gas markets</li> <li>• Smart metering</li> </ul>
<b>Department of Transport, Tourism and Sport</b>	<ul style="list-style-type: none"> <li>• Updated policy statement on airport charges</li> </ul>
<b>Department of Communications, Climate Action and Environment</b>	<ul style="list-style-type: none"> <li>• New arrangements for household waste charges</li> </ul>

## Personal Contract Plans

In recent years, PCPs have become increasingly popular and we became aware of potential issues relating to this form of car finance, through consumer contacts and queries from public representatives and in the media. Against this background, in July 2017, we announced that we would undertake a study of the PCP car finance market. The report will contain the first public analysis of the market in Ireland and will include: evidence in relation to the size and characteristics of the PCP car finance market; an assessment of the experience of consumers and their ability to understand PCPs. The current protections available to consumers under the Consumer Credit Act - 1995 will also be reviewed, particularly in the context of the potential for consumer risk and detriment, now and in the future. The report will propose a range of recommendations, designed to provide greater protection for consumers when they enter into PCPs. The evidence compiled is intended to inform future consideration of the market by policy makers and relevant stakeholders.

## Household waste collection study

Following a request from Government, in November 2017, the CCPC commenced a study on the operation of the household waste collection market in Ireland. The study will assess the nature and scale of consumer and operator issues in the household waste collection market and consider whether the introduction of an enhanced regulatory regime could efficiently address these issues, in the short and long term. As part of this study, we will undertake an extensive process of engagement with operators, regulators, and other relevant stakeholders to gain further information and insights about the sector. The study, due to be published in summer 2018, will inform recommendations to address any competition and consumer protection issues identified and also support the development of future waste management policy in Ireland.



## Brexit preparations

The CCPC has been working with our parent Department, Business, Enterprise and Innovation and inputting into the wider Government assessment and preparation in advance of Brexit.

In 2017, we commissioned the ESRI to help identify what the impact could be from a consumer perspective. The results of this study will help inform a wider understanding of the potential impact of Brexit and assist in ensuring that Ireland's preparations are as comprehensive as possible.

The ESRI's research examines two Brexit scenarios. The first, where there is a trade deal and tariffs are avoided, but where there still could be significant non-tariff barriers such as costs arising from additional time spent at customs, or due to changes in labelling rules and other regulatory standards. The second, a "harder" scenario with the imposition of World Trade Organisation tariffs in addition to non-tariff barriers.

## Addressing gaps in the Irish competition law enforcement regime

The Irish legal system does not allow for the imposition of administrative or civil fines for breaches of competition law. In Ireland, the only financial penalty that can be imposed for a breach of competition law is a fine by the Courts following a criminal conviction. Only a court can decide whether competition law has been infringed, decide whether a company or individual is guilty and impose fines or custodial sentences. In most other EU Member States, it is possible for courts or agencies themselves to impose administrative or civil fines typically based on the "balance of probabilities" standard of proof. However, in Ireland, the prosecution's case must be proved beyond reasonable doubt and, in the case of a prosecution on indictment (i.e. in more serious cases), the accused is entitled to a full jury trial. Due to the absence of civil or administrative fines for competition law infringements, Ireland is the only country in the EU that cannot introduce a leniency programme, a vital mechanism in the detection of competition law

breaches in other states. This is a gap in the Irish enforcement regime, which we have highlighted previously and continued to address in 2017 as follows:

- The requirement for administrative or civil fines for breaches of competition law was endorsed in a submission we made to the Oireachtas Joint Committee on Business, Enterprise and Innovation regarding the publication of the proposed EU Directive to empower the Competition Authorities of the Member States to be more effective enforcers and to ensure the proper functioning of the internal market COM (2017) 142 (the proposed “ECN+ Directive”).
- Our Chairperson participated in an informal exchange of views on the proposed ECN+ Directive in the European Parliament on 11 October 2017. This was led by Andreas Schwab, MEP, Rapporteur of the European Parliament on the Directive, at which she put forward the necessity for administrative or civil fines.
- The case for administrative or civil fines for breaches of competition law was highlighted in a submission we made to the Law Reform Commission’s Issues Paper on Regulatory Enforcement and Corporate Offences.

## Taking Care of Business

On Wednesday, 8 November, small business owners or those thinking about starting their own business were invited to a free event – Taking Care of Business. Organised by the DBEI, Taking Care of Business is a unique annual event which gives business owners access to 30 state bodies, including the CCPC, all under the one roof.

The purpose of the Taking Care of Business event is to:

- Help individuals and businesses understand the main regulations that affect them.
- Provide an opportunity to meet experts from a broad range of public bodies in an informal setting.
- Find out about the supports that are available to businesses.

The CCPC took part, providing an introduction to our organisation and giving information about competition and consumer protection legislation and how it affects SMEs.

The event was attended by the Tánaiste and the Minister for Business, Enterprise and Innovation, Frances Fitzgerald TD and Minister of State for Trade, Employment, Business, EU Digital Single Market and Data Protection, Pat Breen TD.





# In Focus

## Options for Ireland's mortgage market

The CCPC was asked by Government to conduct a study examining the market structure, legislation and regulation of the mortgage market in Ireland. The aim of the study was to set out options for Government in terms of market structure, legislation and regulation to lower the cost of secured mortgage lending and improve the degree of competition and consumer protection.

For the purpose of this study, we focused on mortgages secured on a property, which included Principal Dwelling Homes (PDH) and Buy to Lets (BTL). The study:

- Set out consumers' expectations of the mortgage market.
- Described the unique characteristics of the Irish mortgage market, identified gaps where competition or consumer protection is inadequate and surveyed the views of stakeholders and potential new entrants on barriers to entry into the Irish mortgage market.
- Identified how mortgage interest rates are determined in the Irish market, the role that competition between lenders plays in that process and comparisons with other jurisdictions.
- Set out a range of options to improve competition and consumer protection in the mortgage market which may lead to a reduction in the cost of secured mortgage lending.

Our paper was published in June 2017, and was the outcome of extensive consultation and research. We spoke to consumer representatives, individual banks and mortgage lenders, independent financial advisors, new entrants and potential new entrants to the Irish market. We also consulted with academics, the ESRI, and domestic and foreign bodies. We also commissioned consumer research to examine consumers' perceptions and experiences of the market.

All of the information was used to develop an evidence-based analysis of the current market which formed the basis of 14 actions which we believe should be considered by Government and policy makers. These included:

- Developing a defined long term national strategy and vision for both the housing and mortgage markets.

- Increasing consumer choice by improving the ability for, and incidence of, switching.
- Encouraging new entrants and building international reputation.
- Promoting longer-term funding options, in particular, a shift towards longer-term fixed rates.

Following the publication of this paper, the Central Bank of Ireland published a consultation 'Enhanced Mortgage Measures: Transparency and Switching'. We welcomed the Central Bank's consultation and made a submission highlighting the work of the ESRI PRICE Lab behavioural economics project, which is relevant in the area, and committing to working with the Central Bank and the Department of Finance to develop market interventions.

We also began a project to revise and update the comparison tools on our website to better assist consumers with comparing mortgage offerings. This work is informed by our findings in the options paper.

# Strategic Goal 3

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## **We will empower and equip consumers to make informed choices and assert their rights.**

The CCPC informs consumers of their rights by providing them with information through a range of channels including our helpline, our website; [ccpc.ie](http://ccpc.ie), consumer awareness campaigns, the media, our social media channels and a workplace financial education programme 'Money skills for life'.

Through our contacts with consumers we are able to identify sectors or areas where consumers need more information to help them make decisions or solve problems. We also have insight into the particular issues experienced by consumers, gained through our contacts and research in various markets. We use this information to inform our work in achieving this goal.

## Goal 3 - How we achieved this in 2017

### Helping consumers

- We provided a wide range of information to the 1,745,724 visitors to our website [www.ccpc.ie](http://www.ccpc.ie).
- The most visited consumer information content included our loan and mortgage calculators, our step-by-step guide on buying a home, information on PCP car finance and faulty goods.
- We received 42,112 contacts (through email, phone, social media and post) from consumers and businesses requesting information about a broad range of topics, from consumer rights, to information about financial products, or expressing concerns about traders (see page 28).
- Our financial product comparison tools, which provide independent information, featured 553 financial products, and 554 updates were made during 2017 to reflect changes in rates and charges.
- Our 'Money skills for life' programme reached 1,153 employees through 25 talks in companies across Ireland (see page 32).

### Our information campaigns and research

- We ran seven significant consumer awareness campaigns on personal finance and consumer rights including; buying a car, car finance, mortgage switching and first-time buyers, personal loans, buying online and Christmas returns (see pages 30 and 31).
- We ran a total of 102 consumer articles under the CCPC's name on consumer rights and personal finance topics, which were published across national, regional and trade media outlets.
- As of December 2017 we had 31,455 followers on Facebook.
- We issued 11 consumer newsletters to our database of over 15,000 subscribers covering a wide range of consumer topics.



# Goal 3 - Priorities in 2017

## Consumer contacts

We are committed to ensuring that consumers have access to relevant and practical information about their rights and personal finance products and services. To help fulfil that commitment we operate a consumer helpline.

In 2017, we received 42,112 contacts (through email, phone, social media and post) from consumers. This represented an increase of almost 6% over 2016. Of these 42,112 contacts, 31,117 related to consumer rights, 4,822 related to personal finance, 323 related to competition issues and 5,850 were from consumers who followed up on a previous query.

The top three sectors that consumers contacted us about in relation to their rights were:

1. Telecommunications
2. Vehicles/personal transport
3. Clothing/footwear/accessories

Faulty goods and services was the most common issue experienced by consumers contacting our helpline with 8,525 contacts. This is also reflected in an analysis of website traffic to ccpc.ie, which showed that information relating to faulty goods and services was one of the most visited sections of our website. These contacts also helped to inform a consumer awareness campaign on 'Christmas returns' which ran in December 2017. Issues relating to contracts (3,239 contacts) was the second most common reason consumers contacted our helpline in 2017. These primarily related to issues with charges, payments or deposits.

## Sector specific contacts

### *Telecoms continues to dominate*

We received in excess of 4,000 contacts relating to the telecommunications sector. Over one third of these related to mobile phone handsets (1,646 contacts), followed by mobile phone services (961 contacts) and internet/broadband services (732 contacts).

### *Motor insurance – highest volume of personal finance contacts*

From the 4,822 personal finance contacts recorded in 2017, motor insurance had the highest volume of contacts with 1,494. This represents an increase of almost 25% when compared to 2016 figures. The main motor insurance issues experienced by consumers related to costs and fees (372 contacts), of which 277 concerned an increase in premiums, and 288 contacts related to claims. Our competition law investigation into practices in the sector is ongoing and will continue into 2018.

### *Mortgages and equity release*

845 contacts we received related to mortgages and equity release, which represents an increase of over 40% compared to 2016. Contacts relating to variable interest rate mortgages (194 contacts) were the main driver within this category and queries

relating to tracker mortgages (165 contacts) also showed a significant increase; 75.5% increase when compared to 2016.

Note: A full breakdown of the contacts the CCPC received in 2017 is available on page 67.

## Research on consumer behaviour and experiences

In 2017, we commissioned research in a number of areas to help us further understand consumers' experiences and inform our priorities and activities. These included:

- **Financial Decision Making:** This research examined the main financial decisions made by consumers at different life stages, the influences on these decisions, and the type of financial products and services used at different life stages. The research explored where consumers get their information, what information they trust, what are the main influences in their decision making, and what the best means of communicating with them is in relation to financial products. Overall, we found that the main influences on financial decision making are family, followed by friends. Younger consumers particularly have more reliance on their family members for financial information. The research found that the reliance on family and friends diminishes with time and was less prevalent with older consumers.
- **Mortgages & Switching:** During 2017, the CCPC conducted qualitative research to understand consumers' attitudes and knowledge of the mortgage switching process. The findings of this research helped to inform our paper 'Options for Ireland's Mortgage Market', which was published in June 2017. This research also helped to inform a consumer awareness campaign which we ran on mortgages during September and October.
- **PCPs:** Qualitative research in the form of focus groups with consumers was undertaken to examine their understanding and perceptions of PCPs, their experiences of the PCP sales process and their views on the suitability of the product. We also undertook research with PRICE Lab on PCPs. As part of this research, consumers' understanding of this form of finance was assessed. The findings of this research will inform the CCPC's study on PCP car finance which will be published in March 2018. A consumer awareness campaign on this topic will run following publication of the report.

## Empowering consumers

Consumer protection legislation plays an important role for consumers if something goes wrong. With a broad mandate across all sectors it is important that we focus our awareness campaigns on the areas where consumers need our help most. The information we gain through our 40,000+ contacts helps to inform our work. Our consumer awareness campaigns often mirror our advocacy and enforcement work in different sectors. In 2017, we ran seven consumer awareness campaigns across topics

such as mortgages, buying a car, faulty goods, shopping online and personal loans. Here is a snapshot of some of these campaigns:

### Help for first-time buyers

Mortgages are complex financial products and buying a first home is daunting. There are a variety of rates and products on offer. These types of offers can be attractive to help first-time buyers with additional costs such as fitting out a new home, surveyors, legal and valuers' fees. However short-term gains may end up costing a mortgage holder more over the medium and long-term of a mortgage. Focus group research conducted as part of our mortgages options paper illustrated the impact that special offers can have on a consumer's decision making process. In 2017, we developed a consumer awareness campaign particularly aimed at first-time buyers which ran in September and October to highlight our mortgage comparison tool. Our tool allows first-time buyers to get up to date and independent information and compare both fixed and variable rates available, calculate their potential monthly mortgage repayments and work out the total cost of their mortgage over its term. We used radio, digital media partnerships, video and social media to reach first-time buyers. The mortgages video received over 1.8 million views, with mortgage-related articles clocking up over 58,000 views. Our activity on social media reached 139,000 users and an audience in excess of 1.21 million reached using our relationships with media owners. The campaign-related content on our website received over 33,000 visits by the end of the campaign.



### Help for car buyers

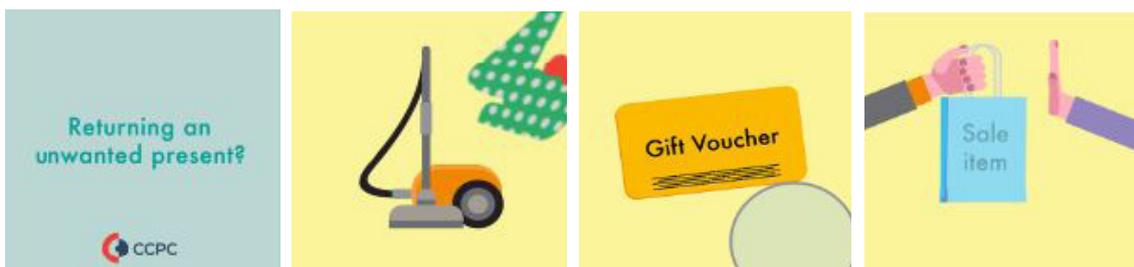
For most consumers, buying a car is the second largest purchase they will make after their home. There is the potential for significant detriment (both financial and to a consumer's safety) if they buy a car which later turns out to be faulty, clocked or crashed or if they sign up to a finance agreement that they don't fully understand. We have comprehensive information on our website to help consumers make an informed decision about the car they are buying and to understand what kind of finance agreement they are signing up to. In 2017, we ran a consumer awareness campaign during June and July. The campaign had two key messages: what to consider when financing a car and the checks to make before buying a second-hand car. The campaign used radio, video, media partnerships, social media and digital display

to reach consumers. Our video was viewed over 1.47 million times and we reached over 87,000 users on social media. Through our partnerships with media owners we reached an audience of over 615,000 with buying a car content and our campaign-related content on ccpc.ie achieved over 32,000 visits.

## Help for shoppers

In the build up to the busiest shopping period of the year (Black Friday and Christmas) we ran a campaign to remind consumers that not only do they have the same rights when they buy online as they do in a shop, but they also have additional rights if they buy from a company based in the EU for example, a 14 day cooling-off period. Our campaign consisted of radio, online display, paid search, video, media partnerships, social media and PR, to reach those shopping online. Our video content was viewed over 530,000 times, and articles commissioned by the CCPC were viewed over 10,000 times. Through our relationships with media owners we reached an audience of almost 2 million, and overall the campaign landing page on our website received over 9,000 visits during the campaign.

Each year the CCPC's helpline receives a large volume of contacts in January about returning faulty goods bought in sales or received as presents, returning unwanted presents and gift vouchers. To help consumers get answers to these questions we ran a 'Christmas Returns' campaign from 26 December to the 7 January using a media partnership, paid search, promoted videos on social media and PR. Our video reached over 1.1 million users on social media, and articles commissioned by the CCPC were viewed over 76,800 times. Through our partnerships with media owners we reached an audience exceeding 1 million and overall the campaign landing page on the CCPC's website received over 12,300 visits during the campaign.



## Everyday help with managing your money

'Money skills for life' is the CCPC's free personal finance talk, delivered in the workplace. The programme offers information and tips on personal finance which attendees can use to help them manage their money better, along with a free handbook and budget planner to take home. 1,153 employees all around Ireland attended one of these talks in 2017 and there was a 99% satisfaction rate among attendees. The information given at these talks is free, impartial and in plain English. The talk offers practical tips on managing, spending and making a budget. It also covers what to consider when it comes to savings and investments, insurance cover and borrowing money. In addition, there is a five-step plan for dealing with debt and some tips on planning for your retirement.



*Attendees at a 'Money skills for life' talk in Cathal Brugha Barracks on 13 November 2017.*

## Junior Cycle short course

We offer a Junior Cycle short course called 'Money Matters' which can be taught as a support to the Business Studies or the Home Economics curricula, as well as a stand-alone course. Money Matters is a free, easy-to-use online teaching and learning resource that can help develop important life skills, making the learning experience engaging and interactive. Money Matters is made up of four strands:

1. *Money Talks*, looks at the concept of money and how money influences behaviours.
2. *Follow the Money*, helps students to develop a stronger understanding of their relationship with money, including spending diaries and budgeting.
3. *Taking Control of Money*, looks at some financial products and services, including payment options.
4. *Keeping Yourself Covered*, helps students become informed consumers and also deals with insurance and scams.



## In Focus

### Evolving our consumer information tools

Our consumer information role is grounded in our statutory remit 'to promote public awareness and conduct public information campaigns for the purpose of educating and advising consumers in relation to consumer protection and welfare.' In financial services, the CCPC's role is to 'provide information in relation to financial services, including information in relation to the costs to consumers, and the risks and benefits associated with the provision of those services'. We rely heavily on contacts from consumers, media engagements and research, including Price Lab, to identify areas where knowledge "gaps" exist which can result in consumer detriment. Using this knowledge we develop our information and campaigns to reach identified consumers in the most effective and efficient way whilst providing them with relevant information and support based on their needs.

### Responding to the digital world

Our website is the CCPC's core channel in providing consumers with the information they need. With a wide remit, every consumer in Ireland is a potential user and so it is important that our content is accessible, useful and current. In 2017, we undertook a significant website redevelopment project to ensure that our website provides users with the information they need in an intuitive manner, irrespective of the device they use. The user experience was paramount in the redesign of our site. Our new website strives to make it easier for consumers to identify the information they need. Our work in improving our website does not stop however, and in 2018 we will be working to redevelop our financial product comparison tools. We will also use our financial capability research as the basis of a complete review of the information we currently provide to consumers across all of our channels.

### New platforms and a greater reach

It is important that the CCPC delivers information to our target audiences in innovative ways and so we are constantly identifying new ways of delivering content in a cost-effective manner. In May 2017, we undertook a new partnership with Independent.ie. The purpose of the partnership was to reach a wider audience on a regular basis using

editorial content as opposed to standard advertising. This digital partnership enabled us to have a continuous presence online, delivering content on consumer rights and personal finance to an engaged audience. Video was a major component of our partnership and we recorded a number of videos on various topics. The majority of these videos were shot on location (e.g. in a shop, airport etc), this transported the viewer into the relevant mindset, so they could fully understand the various topics in question. The editorial content received 207,631 views with an average reading time of 2:33 minutes on each piece. In tandem with the editorial, weekly section takeovers acted as an awareness tool with an average of 547,000 display impressions being served per campaign.



# Strategic Goal 4

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**We will continue to develop as a results-driven organisation that aspires to the highest standards in everything we do.**

The creation of the Competition and Consumer Protection Commission presented a unique opportunity to form a new, independent and authoritative organisation with the knowledge and expertise to achieve the best outcomes for consumers, businesses and the economy as a whole. As an organisation, we are committed to making a significant impact where it is needed most.



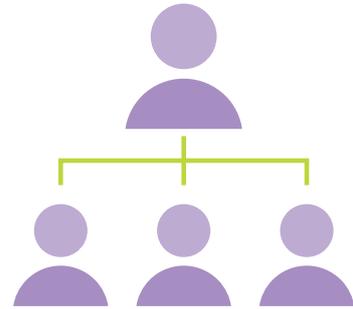
## Goal 4 - How we achieved this in 2017

- We filled 29 roles across the organisation in a significant and sustained recruitment drive during the year. We have hired staff with skills and competencies in multiple disciplines including law, economics and digital forensics (see page 38).
- We completed the research phase of three Organisational Development projects, all of which will support the ongoing development of the CCPC as a high performing organisation (see page 42).
- We continued to provide training to upskill and develop our staff. Altogether our courses and seminars had a total of over 413 attendees:
  - 15 internal seminars contributed to staff development and the broadening of staff members' knowledge across our remit. Eight seminars were delivered by staff members with the remaining seven carried out by external experts
  - Four training courses were developed and run for staff to continually improve on their expertise and skills within the CCPC
- Following internal and external engagement with our key stakeholders, we developed a new Strategy Statement for the period 2018-2020 (see page 37).
- We reviewed our probation procedure, introduced a revised induction programme, and processes and procedures were put in place to ensure that there was continuity in approaches and institutional memory was maintained (see page 39).
- We continued our commitment to energy saving in the workplace. In 2017, we not only achieved our 2020 energy reduction target, we exceeded it by 4%.
- We commenced work in preparation for the General Data Protection Regulations (GDPR).

## Goal 4 - Priorities in 2017

### Connecting staff to the organisation

In 2017, we reached our third birthday. Along with being a significant milestone, this also meant the end of the implementation of our first Strategy Statement. Our Strategy Statement is at the centre of what we do. It outlines the vision and ambitions of the CCPC and articulates how, over the next three years, we will go about proactively choosing what to focus on, the impact that the CCPC will have and how that impact will be measured.



As a first step, in early 2017, we facilitated workshops with staff and developed our new values and behaviours. Organisational values drive the way we influence, how we interact with each other, and how we work together to achieve results. The collective behaviours of all employees become the organisational culture – “the way we do things around here” – fulfilling the organisation’s promise to stakeholders.

In developing our new Strategy Statement we felt it was important that everyone in the CCPC would have the opportunity to share their vision for the organisation. A cross-divisional project team was formed to develop the Statement. The project required extensive consultation, internally and externally. We held staff discussion workshops, as well as sessions with the Directors, Deputy Directors and Commission Members.

Our new Strategy will help us focus on the work that has the most impact. Taking into account the aspirations of our staff and the views of our stakeholders, our new Strategy is ambitious but practical and puts emphasis on compliance, transparency, and engagement. It also involves us engaging with our many stakeholders and telling them who we are, what we do and how we can help.

Following the development of the Strategy Statement each Division within the CCPC developed their supporting work plans, identifying their own goals for the first year of this new Strategy and ensuring that each staff member’s work was connected to our strategic goals and vision.

## Our new values

Values	Supporting Behaviours
<b>We communicate openly</b>	<ul style="list-style-type: none"> <li>• We are accountable and transparent in our work</li> <li>• We are honest about our decisions</li> <li>• We are open and approachable with each other</li> <li>• We acknowledge our mistakes, and learn from them</li> </ul>
<b>We believe in empowerment</b>	<ul style="list-style-type: none"> <li>• We show that we respect and value all of our roles and contributions</li> <li>• We support each other's learning and development</li> <li>• We encourage each other to take ownership and demonstrate accountability</li> <li>• We define roles and responsibilities and delegate clearly and supportively</li> </ul>
<b>We act independently</b>	<ul style="list-style-type: none"> <li>• We make decisions based on expert assessment of available evidence</li> <li>• We serve the public interest</li> <li>• We stand by our decisions and we are prepared to defend them</li> <li>• We are rigorous and unbiased in our approach to investigations</li> </ul>
<b>We have ambition to make a difference</b>	<ul style="list-style-type: none"> <li>• We have pride in our work and our mission</li> <li>• We are prepared to confront vested interests and challenge the status quo</li> <li>• We prioritise work that will have the most impact for consumers and the economy as a whole</li> <li>• We focus on achieving results and are flexible and creative in our approach to work</li> </ul>
<b>We work to achieve excellence</b>	<ul style="list-style-type: none"> <li>• We take personal responsibility for the quality and impact of our work</li> <li>• We are receptive to, and willing to give, open feedback to improve our performance</li> <li>• We seek to continuously strengthen all areas of our organisation</li> <li>• We are vigilant to developments in the market and strategically respond in a changing environment</li> </ul>

### Increasing staff capacity to fulfil our broad remit

Throughout 2017, we continued to build and develop our capacity whilst undertaking a significant recruitment programme to increase staff numbers and fill vacancies within our budget allocation. During the year we had a high volume of recruitment as we started the year with a significant number of vacancies across the organisation. These recruitment campaigns resulted in an increase of skills and competencies in multiple disciplines including law, economics, digital forensics, investigative and analytical skills. In 2017, 27% of our staff were new to the organisation or in roles arising from promotion. By the end of the year, the CCPC had 90 staff.



## Empowering managers

Managing people and performance is critical in any organisation, in particular, when there are high numbers of new employees. Similarly, induction plays a key role in enabling good performance from the outset. We conducted an extensive review of our induction and probation procedures in 2017. As a result, our induction programme was broadened and formal structures were put in place to provide a detailed four-part training programme. This programme includes HR, divisional and organisational modules, all of which are delivered during the first six months. We also provide on-the-job and peer-to-peer learning to support our new employees.

In 2017, in addition to reviewing our probation procedure, we started the year with a two-day programme on managing people, performance, and probation which was completed by all managers. The HR function of our Organisation Development Unit also provides ongoing support and advice to managers of new employees. We used best practice and ensured that both employees and managers were supported during probationary periods. This support included sourcing formal learning and development solutions where required.

At the start of every year staff agree their performance objectives for the year ahead. Every staff member's objectives are aligned with our work plans and strategic objectives.

## Developing excellence and expertise: reaching potential

A core priority for us is to maintain and improve individuals' skills and performance and, in turn, enhance the performance of our organisation. Learning and development is a planned and systematic process through which an employee is helped or facilitated in mastering defined tasks or competencies to develop their full potential.

The CCPC is committed to connected and integrated learning and development which facilitates the transfer of tacit and organisational knowledge, starting with a comprehensive induction programme for all new employees. There were ongoing learning and development opportunities facilitated in a variety of fora during 2017, including: formal courses and conferences, events with internal and international experts, webinars, know-how meetings, cross-divisional projects, written guides and templates and experiential learning via simulated exercises similar to real work scenarios. All employees were encouraged to avail of the opportunities.

To support staff in the performance of their duties, over 30 staff participated in realistic and focused training in a number of areas relating to the performance of their duties as Authorised Officers. Focusing on operational efficiencies, the training culminated in a simulated search operation where teams were required to investigate the activities of a fictitious company and to execute a dawn raid.

An Garda Síochána provided investigative interview training for approximately 20 enforcement staff. Each Division also ran bespoke training, attended webinars and participated in international networks to enhance their skills and knowledge in their specific area.

We continued to implement our Legal Training and Development Strategy. In addition to individual and Division-specific training, group training was also delivered.

In the area of health and safety, we delivered manual handling training and also conducted ergonomics training and assessments.

We recognise the importance of providing opportunities for our staff to develop their own expertise and to enhance their existing skills. Opportunities were provided in 2017 for staff to expand their knowledge and to engage with areas outside their current roles. Such opportunities also align with the CCPC's ambition to be recognised as a real learning organisation. The CCPC supported further formal learning under its Advance of Fees programmes and in 2017, we sponsored seven employees in third level education in areas of governance, competition law and digital forensic investigations.

## Knowledge and skills for the future

Institutional and tacit knowledge is of critical importance to our growing organisation. To further enhance knowledge transfer, staff who attend external presentations pass on the information that they have learned by way of a training note or team briefing. Senior managers were asked to review external events with attendees and consider if the learning should be shared with other Divisions. This encouraged the broadest impact and return on learning and development.

As robust evaluation supports learning transfer, we introduced Level 2 of *Phillips ROI Methodology* of measurement of learning across most of our learning events and held detailed debriefs for simulated exercises. These were documented and used for future events to improve on quality and impact.

In addition, processes and procedures were put in place to ensure that key information was captured, there was continuity in approaches and institutional memory was maintained. Each Division provided regular progress reports, which allowed us to monitor our performance and also act as a key information resource for new employees. Annual audits ensured adequate policies and procedures were in place and adhered to.

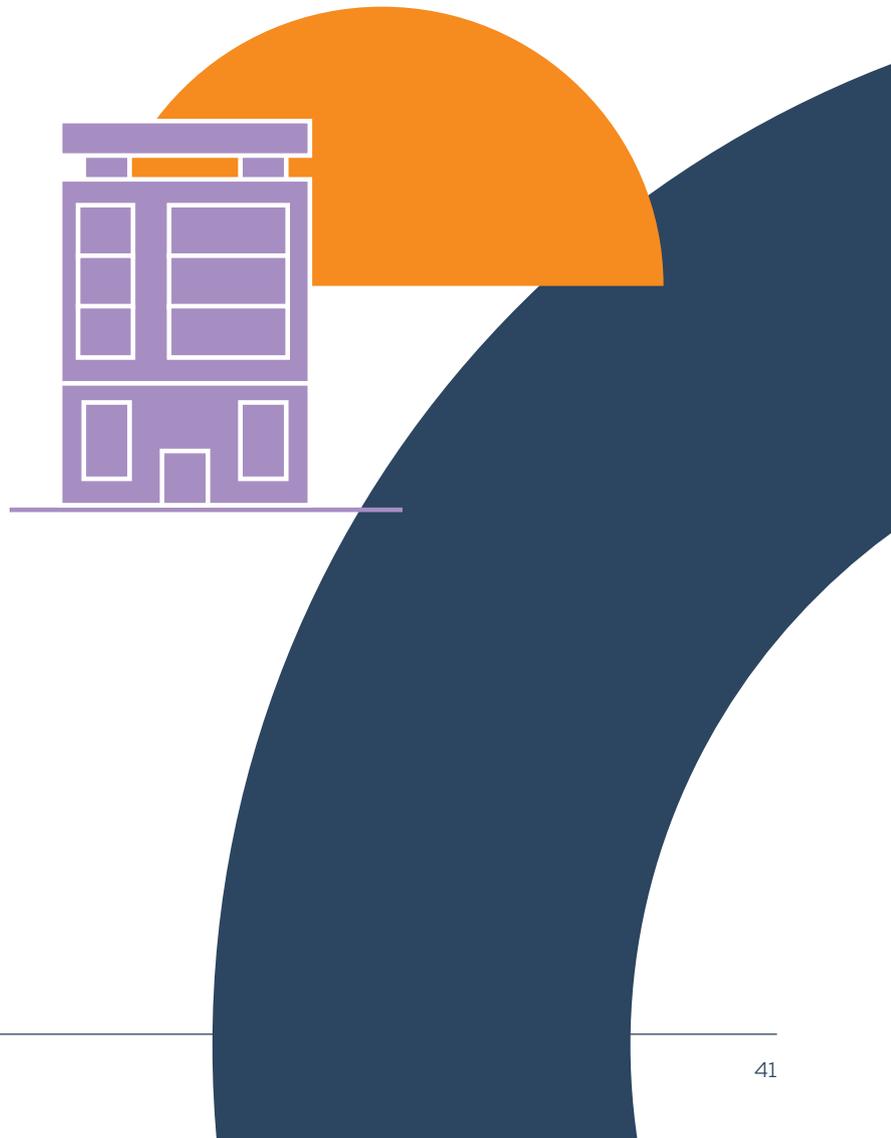


## Location, location, location

Our move to our new offices, Bloom House in March 2017 required significant effort and resources in the first quarter of the year. This project took 17 weeks to complete and involved large-scale coordination and liaising with our new fellow tenants.

The move to open plan offices required careful planning to maximise synergies and information from across the organisation while providing people with the space and privacy to complete their work.

This was done through careful design of the workspaces and common areas, and the provision of adequate quiet spaces, meeting rooms and other facilities. The move was efficiently completed with minimal disruption and our IT systems were functioning within hours.





# In Focus

## The CCPC's organisational development programme

Public sector organisations are increasingly required to adapt in a fast paced, ever-changing environment. The CCPC is a young organisation with a wide remit and many new staff which presents both opportunities and challenges. Organisational development programmes help organisations adapt to changes by improving their overall effectiveness, by improving work processes, enhancing communication, fostering cooperation within the organisation, ensuring staff engagement as well as encouraging internal reflection.

The CCPC commenced work on its Organisational Development Programme in 2016. In 2017, this project moved into the research and analysis phase under three priority areas:

1. Learning and Development
2. Communications and Engagement
3. Performance and Talent Management

Cross-divisional project teams were established to research best practice in these areas and make recommendations.

We conducted two staff surveys; Gallup Staff Engagement Survey completed by 74% of staff and an overall Staff Survey on our organisational development programme completed by 65% of staff. The findings showed that:

- Employees felt they were progressing, learning and growing within the CCPC
- Employees knew what was expected of them
- Employees were motivated by our mission and committed to delivering quality work
- Staff felt valued and believed that management were focusing on their development.

The result of the surveys formed a significant part of the research for the three project teams. The research was multifaceted and in addition to the surveys, it involved

academic research, consultation with leading thought experts and meetings with organisations that demonstrate best practice and/or a similar remit, both domestically and internationally. Following this research, the teams were tasked with refining the learnings and designing solutions that would best fit the requirements of the CCPC.

In October, the project teams brought the research to conclusion and presented their findings and recommendations to the Commission. There were 36 recommendations across the projects with several sub-recommendations. Recommendations were adopted by the Commission in November and were assigned to the relevant areas of the organisation. The Organisational Development Unit has overall responsibility for managing the delivery of the recommendations.

Notwithstanding the work of the project teams, having regard for best practice and the pace of change required in our environment today, we had already commenced work in a number of the areas that came under the remit of the programme in advance of the reports. This included; learning and development, people management, induction, probation, mobility and mentoring.

2017 saw continued advancement in the areas we identified as important to us and the development of the organisation, which were:

- to empower our managers so that they will in turn embrace the development of staff.
- to identify who we are as an organisation and ensure that our staff are connected with our mission, vision and values.
- to encourage staff to reach their potential.
- to ensure our staff are equipped with the required knowledge and skills to deliver results now and in the future.

# CCPC Corporate Information

## Corporate governance

The CCPC is governed by a Chairperson and a Commission with full time Members. The Chairperson is responsible for the running of the organisation and for its corporate governance. The Chairperson is assisted in the management, control and direction of the CCPC by the Members and other senior executives. The Chairperson and Members form a collegiate decision-making Commission for key statutory decisions, in addition to having whole-time executive responsibilities.

## Commission structure

The Commission consists of a Chairperson and up to six Members, all of whom are appointed by the Minister for Business, Enterprise and Innovation following a Public Appointments Service competition for a term not exceeding five years. The Commission conducted a self-assessment evaluation of its own performance in 2017.

Board Member	Role	Date Appointed
Isolde Goggin	Chairperson	1 October 2016 (date renewed)
Patrick Kenny	Member	9 January 2017 (date renewed)
Fergal O'Leary	Member	18 July 2016 (date appointed)
Brian McHugh	Member	1 September 2017 (date appointed)
Karen O'Leary	Member	31 October 2014*

\*Karen O'Leary was appointed Chief Executive of the National Consumer Agency on 19 March 2013. Karen subsequently became a Member of the Commission on the establishment of the Competition and Consumer Protection Commission on 31 October 2014. Karen O'Leary resigned as a Member on 28 April 2017.

The Members of the Commission meet twice monthly (or more frequently) for formal discussions (including statutory decisions). Each Member and the Chairperson has a vote and the Chairperson can cast a decision vote where necessary. The following is the formal schedule of matters reserved for the decision of the Commission:

1. Major investments and capital projects
2. Delegated authority levels, treasury policy and risk management policies
3. Approval of terms of major contracts
4. Assurances of compliance with statutory and administrative requirements in relation to the approval of the appointment, number, grading and conditions of all staff, including remuneration and superannuation
5. Approval of annual budgets and corporate plans
6. Approval of annual reports and financial statements

Organisational matters are progressed through informal meetings, discussions and consultation between the Chairperson and the Members. As far as possible, operational decision making is delegated to individual Members and staff members. The CCPC's organisational and governance structure is designed to enable us to deliver our strategic goals, deliver our business programmes cost-effectively, and meet all our statutory requirements.

## Attendance at Commission meetings 2017

**Normal Commission Meetings:** 20

**Ad hoc Commission Meetings:** 21

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**Total:** 41

- **Isolde Goggin:** 40
- **Patrick Kenny:** 40
- **Fergal O'Leary:** 40
- **Karen O'Leary (January–April):** 9
- **Brian McHugh (September–December):** 15

## Managing risk

The Commission has overall responsibility for risk management, including determining the nature and extent of significant risks that it is willing to accept in pursuit of its strategic and operational objectives. To address this, risk management policies and procedures were developed to provide for the continuous identification, assessment, monitoring and reporting of significant risks within the CCPC.

Risk is managed in the CCPC through formal monthly reporting by the Chief Risk Officer to the Members of the Commission on changes to the corporate risk register. The register identifies the main risks to the organisation. In addition, the CCPC requires each individual Division to keep an up-to-date register of their risks and to inform the Chief Risk Officer of any significant changes to these risks.

In 2017 the CCPC further strengthened its risk management policy and procedures through:

1. An internal audit of the risk management process and implementation of the recommendations of this internal audit.
2. A series of risk challenge meetings between the Chief Risk Officer and the owners of the divisional risk register and the corporate risk register.
3. The provisions of risk management training to all of the senior management team.

Further development of the CCPC's risk management policy will be completed in February 2018 to include refinements to the descriptions and scoring of risks, the relevance of mitigating actions, and to improve descriptive definitions for likelihood and impact.

## Audit & Risk Committee

The role of the Audit and Risk Committee is to support the Commission in relation to its responsibilities for issues of risk, control and governance, and associated assurance. The Audit and Risk Committee is independent in the performance of its functions and is not subject to direction or control from any other party. The roles and responsibilities of the CCPC's Audit and Risk Committee are set out in a written charter. In particular, the Committee ensures that the internal control systems, including audit activities, are monitored actively and independently. The Audit and Risk Committee reports to the Commission after each meeting and formally, in writing, annually.

The current members of the Audit and Risk Committee are: Brian Whitney (Chairperson), Patrick Kenny, Conor Blackwell and Jimmy Murphy. Noreen Fahy (former Chair) and Georgina Conroy (former external Member) were members of the Audit and Risk Committee for much of 2017. Both Conor Blackwell and Jimmy Murphy were appointed to the Committee in November 2017.

**The Committee met four times in 2017, detailed in the table below.**

Committee Member	Meeting took place in:				
	February	May	September	December	Total
Mr. Brian Whitney - Chairperson	x	x	x	x	4/4
Mr. Pat Kenny - Commission Member	x	x	x	x	4/4
Mr. Conor Blackwell - External Member				x	1/1
Mr. Jimmy Murphy - External Member				x	1/1
Ms. Noreen Fahy - Former Chair	x	x			2/2
Ms. Georgina Conroy - Former Member	x	x	x		3/3

## Internal audit

The CCPC has a properly constituted internal audit function which reports to the Audit and Risk Committee. The internal audit function operates in accordance with the Code of Practice for the Governance of State Bodies (revised 2016). The following external reviews were carried out in 2017:

1. Review of internal financial controls
2. Review of risk management arrangements
3. Audit of ICT Security

Recommendations were progressed in all cases, with progress on implementation reported to the Audit and Risk Committee

## Accountability – service level agreement

In 2017, there was a written service level agreement (SLA) in place between the CCPC and DBEI, which clearly defined the terms of the relationship. In 2017, the CCPC prepared quarterly reports for the DBEI, outlining how we fulfilled our commitments under the SLA. In addition, there were four formal SLA meetings between the CCPC and DBEI officials.

## Freedom of Information requests

The CCPC continues to meet its obligations in relation to responding to Freedom of Information requests. In 2017, the CCPC dealt with 21 Freedom of Information requests. Of these, six were granted, four were part-granted, two were refused and nine were withdrawn/handled outside the Freedom of Information legislation.

## Data protection

The CCPC protects the integrity of data supplied to us by our customers and third parties. In 2017, we continued to adhere to data protection legislation and began preparations to ensure full and timely compliance with the new EU General Data Protection Regulations (GDPR), which come into effect in May 2018.

## Ethics, standards and behaviour

In 2017, all CCPC employees who held designated directorships or occupied designated positions of employment, prescribed by regulation for the purposes of the Ethics Legislation (i.e. the Ethics in Public Office Acts 1995 and 2001), submitted Statements of Interest as required by the legislation. The CCPC has a Code of Conduct that sets out the principles, standards and values that CCPC employees are expected to adhere to.

## Protected Disclosures Act 2014

As a public body, the CCPC is required under section 22 of the Protected Disclosures Act 2014 to publish an annual report in relation to the number of protected disclosures made to it in the preceding year, and the action taken in response to any such protected disclosures.

No protected disclosures were made to the CCPC in the period 1 January 2017– 31 December 2017.

## Customer Service Charter

The CCPC has a Customer Service Charter, available in the 'About Us' section of our website, [ccpc.ie](http://ccpc.ie). The Charter sets out our commitment to a high quality customer service, provides information on what customer service you should expect to receive when contacting the CCPC, and details how consumers can help when contacting us. Any complaint regarding the services of the CCPC is investigated as a matter of priority.

No customer service charter complaints were received in 2017.

## Other governance matters in 2017

1. The CCPC adopted the Code of Practice for the Governance of State Bodies, in a manner consistent with its underpinning legislation, the Competition and Consumer Protection Act 2014.
2. The CCPC complies with the Prompt Payment of Accounts Act 1997 and the European Communities (Late Payment in Commercial Transactions)

Regulations 2002. Our Prompt Payment Returns are published on our website. In 2017, 94% of all payments were made within 15 days.

3. We continued our commitment to energy saving in the workplace. In 2017, we not only achieved our 2020 energy reduction target, we exceeded it by 4%.

## 2017 Financial statements

The CCPC's budget allocation in 2017 was €12,138,000, of which €10,038,000 was provided from exchequer funding and €2,100,000 came from a financial services industry levy, in respect of specific personal finance information and education functions in the financial sector.

At the time of writing, the annual draft financial statements for the year, 1 January 2017–31 December 2017, report expenditure of €9,474,642 for grant-assisted activities and €2,160,976 for levy-funded activities. The CCPC's underspend was mainly due to a number of vacancies remaining unfilled. The Office of the Comptroller and Auditor General will audit the financial statements. The financial statements are prepared on the accruals basis of accounting, except in respect of the Oireachtas Grant, in accordance with generally accepted accounting principles.

## Levy on financial service providers

The CCPC has the power to impose levies on regulated financial service providers under the powers conferred on it by section 24B of the Consumer Protection Act 2007 (as inserted by the Central Bank Reform Act 2010). Levies were imposed by regulations made under this section. The collection of the levy from financial service firms was outsourced to the Central Bank from 2011 to 2016, but in 2017 the CCPC collected the levy itself. A collection rate of over 99% of the total levy amount has been successfully collected from 2011 to 2017 from approximately 450 financial services companies.

## Chairperson and Commission Member expenses (1 January 2017–31 December 2017)

Isolde Goggin: €2,738

Patrick Kenny: €1,684

Karen O'Leary: €0

Fergal O'Leary: €1,063

Brian McHugh: €658

## Remuneration

In 2017, the Chairperson received salary payments of €163,821. The Chairperson is a member of an unfunded defined benefit public sector scheme and her entitlements do not extend beyond the standard entitlements in the public sector defined superannuation scheme.

# Appendix 1: Consumer protection enforcement concluded in 2017

## 1. Fines, Penalties and Compensation Orders

### Legislation breached

- Engaging in a misleading commercial practice as described by section 43(1) and section 43(3)(b)(vii) contrary to section 47 of the Consumer Protection Act 2007.

#### **Mr Timmy Keane, Harold's Cross Cottages, Harold's Cross, Dublin 6**

On 4 July 2016, Mr Timmy Keane, Harold's Cross Cottages, Harold's Cross, Dublin 6, was convicted of engaging in a misleading commercial practice by providing false information to a consumer in relation to a vehicle's mileage as described by section 43(1) and section 43(3)(b)(vii) contrary to section 47 of the Consumer Protection Act 2007. Following an application by the CCPC for a compensation order, arrangements were put in place by the court for Mr Keane to compensate the consumer to the sum of €5,000. At a sentencing hearing on 12 June 2017, Mr Keane received a six month suspended sentence, suspended for one year.

#### **Mr Jonathan McSherry, trading at Station Road Autos, Clondalkin, Dublin 22**

On 16 February 2017, Mr Jonathan McSherry, trading at Station Road Autos, Clondalkin, Dublin 22, was convicted of engaging in a misleading commercial practice by providing false information to a consumer in relation to a vehicle's mileage as described by section 43(1) and section 43(3)(b)(vii) contrary to section 47 of the Consumer Protection Act 2007. Mr McSherry was sentenced to three months in prison.

#### **Mr Olexandr Matveyshyn, trading at MIV Motors, 6 Cross Roads Business Park, Kilbarry, Waterford**

On 20 October 2017, Mr Olexandr Matveyshyn, trading at MIV Motors, 6 Cross Roads Business Park, Kilbarry, Waterford, was convicted of engaging in a misleading commercial practice by providing false information to a consumer in relation to a vehicle's mileage as described by section 43(1) and section 43(3)(b)(vii) contrary to section 47 of the Consumer Protection Act 2007. Mr Matveyshyn was fined €500 and had €1,000 in costs awarded against him. Following an application by the CCPC, Mr Matveyshyn was required to pay a compensation order of €8,000 to the consumer.

## 2. Undertakings (pursuant to section 73 of the Consumer Protection Act 2007)

*Total number of undertakings: Three*

### Legislation breached

- Engaging in a prohibited commercial practice as described by section 55(1)(x)(i) and contrary to section 56 of the Consumer Protection Act 2007.

- Engaging in a misleading commercial practice prohibited under section 42 and as described by section 43(1) and section 43(3)(b)(vii) contrary to section 47 of the of Consumer Protection Act 2007.

**Mr Robert McCabe and Robert McCabe Motors Limited, Irish Street, Ardee, Co. Louth**

On 6 February 2017, following an investigation relating to a person representing himself as a private seller and the provision of false and misleading information to a consumer in relation to the usage and prior history of a car, Robert McCabe and Robert McCabe Motors Limited gave an undertaking, pursuant to section 73 of the Consumer Protection Act 2007. Mr Robert McCabe and Robert McCabe Motors Limited undertake to:

- comply with the prohibition of engaging in a misleading commercial practice as provided by section 42 of the Consumer Protection Act 2007.
- refrain from engaging in a prohibited commercial practice as described by section 55(1)(x)(i) and contrary to section 56 of the Consumer Protection Act 2007.
- refrain from engaging in misleading commercial practices as described by section 43(3)(b)(vii) and contrary to section 47 of the Consumer Protection Act 2007.
- within four weeks of receiving an application from any consumer prejudiced by the misleading commercial practice in which it has engaged, compensate the consumer, including the reimbursement of money or return of any other property or thing received from the said consumer in connection with the sale by it of any used car.

**Legislation breached**

- Engaging in a misleading commercial practice under section 42 and as described by section 43(1) and section 43(3)(b)(vii) contrary to section 47 of the Consumer Protection Act 2007.

**Mr Marcin Okurowski and Martin's Garage trading at William Street, Nenagh, County Tipperary**

On 23 September 2017, following an investigation relating to the provision of false and misleading information to a consumer in relation to the usage and prior history of a car, Marcin Okurowski of Tyone, Nenagh, County Tipperary and Martin's Garage trading at William Street, Nenagh, County Tipperary, gave an undertaking, pursuant to section 73 of the Consumer Protection Act 2007. Marcin Okurowski and Martin's Garage undertake to:

- comply with the prohibition of engaging in a misleading commercial practice as provided by section 42 of the Consumer Protection Act 2007.
- refrain from engaging in a misleading commercial practice as described by section 43(3)(b)(vii) and contrary to section 47 of the Consumer Protection Act 2007.
- within four weeks of receiving an application from any consumer prejudiced by the misleading commercial practice in which it has engaged, compensate the consumer, including the reimbursement of money or return of any other property or thing received from the said consumer in connection with the sale by it of any used car.

### **Byrne's Garage, Tinnock, Gorey, Co. Wexford**

On 3 November 2017, following an investigation relating to the provision of false and misleading information to a consumer in relation to the usage and prior history of a car, Byrne's Garage gave an undertaking, pursuant to section 73 of the Consumer Protection Act 2007. Byrne's Garage undertake to:

- comply with the prohibition on misleading commercial practices as provided by section 42 of the Consumer Protection Act 2007.
- refrain from engaging in a misleading commercial practice as described by section 43(3)(b)(vii) and contrary to section 47 of the Consumer Protection Act 2007.

## **3. Compliance Notices (as provided for by section 75 of the Consumer Protection Act, 2007)**

*Total number of Compliance Notices that took effect: 12*

### **Legislation breached:**

- Compliance Notices issued to traders who failed to give or make available to consumers information on the conditions, time limit and procedures for exercising the right of cancellation and the cancellation form set out in Part B of Schedule 3 of the Regulations before he/she is bound by a distant contract, as required by Regulation 10(1) of the European Union (Consumer Information, Cancellation and Other Rights) Regulations 2013.
  - Stardream Fashion Limited, 40 Clarendon Street, Dublin 2 trading as Coco Boutique
  - Creative Retail Solutions Limited, 101a Rathgar Road, Dublin 6 (operating as www.thehalloweenhq.com)

### **Legislation breached:**

- Compliance Notices issued to traders who provided consumers with misleading information on their rights provided under the European Union (Consumer Information, Cancellation and Other Rights) Regulations 2013, such a practice being a prohibited practice as described by section 43(2) and section 43(3)(j) of the Consumer Protection Act 2007.
  - Stardream Fashion Limited, 40 Clarendon Street, Dublin 2 trading as Coco Boutique
  - Creative Retail Solutions Limited, 101a Rathgar Road, Dublin 6 (operating as www.thehalloweenhq.com)

### **Legislation breached:**

- Compliance Notices issued to traders who provided consumers with misleading information on their rights provided under the Sale of Goods Act 1893 and the European Communities (Certain Aspects of the Sale of Consumer Goods and Associated Guarantees) Regulations 2003, such a practice being a prohibited

practice as described by section 43(2) and section 43(3)(j) of the Consumer Protection Act 2007.

- Creative Retail Solutions Limited, 101a Rathgar Road, Dublin 6  
(operating as www.thehalloweenhq.com)

**Legislation breached:**

- Compliance Notices issued to traders who engaged in a misleading commercial practice by omitting or concealing material information, such a practice being a prohibited practice as described by section 46(1) of the Consumer Protection Act 2007.
  - John Duignan Motors, Unit 7, New Townspark Industrial Estate, Longford, Co. Longford

**Legislation breached:**

- Compliance Notices issued to traders who engaged in a misleading commercial practice by providing false information in relation to the usage or prior history of a car, such a practice being a prohibited practice as described by section 43(1) and section 43(3)(b)(vii) and contrary to section 47 of the Consumer Protection Act 2007.
  - D.S. Cars Limited, No. 2 Fox and Geese, Naas Road, Dublin 12

**Legislation breached:**

- Compliance Notices issued to traders for providing false information in relation to the price of the product(s), such a practice being a prohibited practice as described by section 43(1) and 43(3)(c).

***Number of Compliance Notices – Five (Traders listed alphabetically by county)***

**Cork**

- Mr Peader Aspel trading at Aspel Spar, Upper Strand Street, Youghal, Co. Cork

**Dublin**

- Tesco Ireland Limited trading at Tesco, Omni Park Shopping Centre, Santry, Dublin 9

**Galway**

- Hitianland Limited trading at Foodland, Unit 4, Doughiska, Co. Galway

**Limerick**

- Messrs. John and Edward Glennon trading at Spar, Ballycummin Shopping Centre, Ballycummin Road, Raheen, Co. Limerick

**Waterford**

- Autoport Oil Limited trading at Mooneys Mace, Park Road Service Station, Park Road, Waterford, Co. Waterford

## 4. Fixed Payment Notices (as provided for by section 85 of the Consumer Protection Act, 2007)

**Total number of Fixed Payment Notices (FPNs) paid: 35**

### Legislation breached:

- FPNs issued to traders who failed to reimburse all payments, including any payment for delivery received from a consumer who exercises the right to cancel a contract, in contravention of Regulation 19(1) of the European Union (Consumer Information, Cancellation and Other Rights) Regulations 2013.
  - Extreme Computers Limited, Unit 37 Canal Walk, Kavanagh Avenue, Park West Industrial Park, Dublin 12 trading as Elara Online

### Legislation breached:

- FPNs issued to traders who failed to indicate the selling price of a product, in contravention of Regulation 4(1) of the European Communities (Requirements to Indicate Product Prices) Regulation 2002.

**Number of FPNs – 33 (Traders listed alphabetically by county)**

### Cork

- Drinagh Sales Limited trading at Drinagh Co-Op, Drinagh, Co. Cork – **received 2 FPNs**
- Messrs. Neil and Brendan O’Driscoll trading at J.J. O’Driscoll Superstore, Ballinlough Road, Cork, Co. Cork – **received 2 FPNs**

### Dublin

- C&C Retail Limited trading at Spar, 19-20 Dame Street, Dublin 2 – **received 2 FPNs**
- Corajio Unlimited Company trading at Mr Price, Coolock Retail Park, Coolock, Dublin 17 – **received 2 FPNs**
- Fairview Retail Investments Limited trading at Eurospar, 23-27 Annesley Bridge Road, Fairview, Dublin 3
- Heatons Unlimited Company trading at Heatons, The Park, Carrickmines, Dublin 16
- Lidl Ireland GmbH trading at Lidl, 12 Greenhills Road, Dublin 12
- Musgraves Operating Partners Ireland trading at Supervalu, The Pavilions Shopping Centre, Swords, Co. Dublin – **received 2 FPNs**
- Petrogas Group Limited trading at Applegreen, 90 Tyrconnell Road, Inchicore, Dublin 8
- QEC Limited trading at Topaz, 15-21 Ushers Quay, Dublin 8 – **received 2 FPNs**

### Galway

- Hitianland Limited trading at Foodland, Unit 4, Doughiska, Co. Galway
- Joyce’s Supermarket (Tuam) Unlimited Company trading at Joyce’s Supermarket, Tuam Shopping Centre, Tuam, Co. Galway – **received 2 FPNs**

- Joyce's Supermarket (Athenry) Unlimited Company trading at Joyce's Supermarket, Athenry Shopping Centre, Co. Galway – **received 2 FPNs**

#### **Kildare**

- Mitlex Venture Limited trading at New Days, Clane Road, Sallins, Co. Kildare

#### **Kilkenny**

- A & D Supermarkets Limited trading at Centra, Main Street, Piltown, Co. Kilkenny

#### **Leitrim**

- Heatons Unlimited Company trading at Heatons, Rosebank Retail Park, Dublin Road, Carrick-on-Shannon, Co. Leitrim

#### **Limerick**

- Messrs. John and Edward Glennon trading at Spar, Ballycummin Shopping Centre, Ballycummin Road, Raheen, Co. Limerick

#### **Louth**

- D.P.L. Group Limited trading at DPL Hardware, Donore Road, Drogheda Co. Louth – **received 2 FPNs**
- Marks and Spencer (Ireland) Limited trading at Marks and Spencer, Lawrence Town Centre, Drogheda, Co. Louth – **received 2 FPNs**

#### **Mayo**

- Derval Limited trading at Mace, Castlebar Road, Ballinrobe, Co. Mayo

#### **Monaghan**

- A. O'Gorman & Company Limited trading at O'Gorman's SuperValu, Market Square Shopping Centre, Carrickmacross, Co. Monaghan

#### **Westmeath**

- M & M Mulligan Limited trading at Mulligans Londis, Roscommon Road, Athlone, Co. Westmeath

#### **Wexford**

- Ken Black Limited trading at Ken Black Toys and Nursery, Clonard Retail Park, Co. Wexford

#### **Legislation breached:**

- FPNs issued to traders who failed to display a notice as required by Article 3 of the Retail Price (Beverages in Licensed Premises) Display Order 1999
- Reardens of Washington Street Limited trading at John Rearden and Son, 26 Washington Street, Co. Cork

## Appendix 2: Merger reviews

The CCPC is responsible for reviewing proposed mergers and acquisitions which are notified under Part 3 of the Competition Act 2002, as amended (“the Act”).

The role of the CCPC in the merger review process is to assess notified mergers to ensure that, if approved, there are no negative implications for consumers through the substantial lessening of competition in any market for goods and services in the State.

Businesses involved in a proposed merger or acquisition, where they meet certain financial thresholds, are required to notify the CCPC. All media mergers must be notified separately to both the CCPC and the Minister for Communications, Climate Action and Environment (the Minister). A proposed merger or acquisition that is required to notify the CCPC cannot be implemented until a determination clearing the proposed merger or acquisition has been made by the CCPC, and separately also by the Minister in respect of media mergers.

In 2014, Ireland enacted the Competition and Consumer Protection Act 2014 which introduced changes to the financial thresholds for mandatory merger notification and the time periods for review. For example, the number of days for the CCPC to complete its merger review changed from calendar days to working days, bringing the Irish merger regime more in line with that elsewhere in the EU.

The CCPC has established procedures for the review of notified mergers and has published guidelines outlining how it assesses notified mergers which follow best international practice. All current procedures and guidelines are published on <https://www.ccpc.ie/business/mergers>.

In 2017, DBEI opened a consultation on whether further amendments of certain aspects of the merger review regime are required. The DBEI requested the views of the public on whether: (i) the financial thresholds for mandatory notification of mergers should be adjusted upwards and (ii) the time periods for review of notified mergers are appropriate.

### 2017 Merger notifications & determinations

For the calendar year 2017, the CCPC received 72 merger notifications, which represents an increase of approximately 7.5% as compared to the number of mergers notified in 2016. Figure 1 presents the trend in the number of merger notifications to the CCPC and formerly, the Competition Authority, for the years 2009 through to 2017.

Of the 72 notifications received in 2017, nine (12.5% of cases) required an extended Phase 1 investigation. One notified merger, M/17/055 – Siris Capital Group (US) LLC/Synchronoss Technologies INC (US), was subsequently withdrawn after the parties reported that they did not meet the financial thresholds for mandatory notification.

## Sectoral breakdown of notified mergers

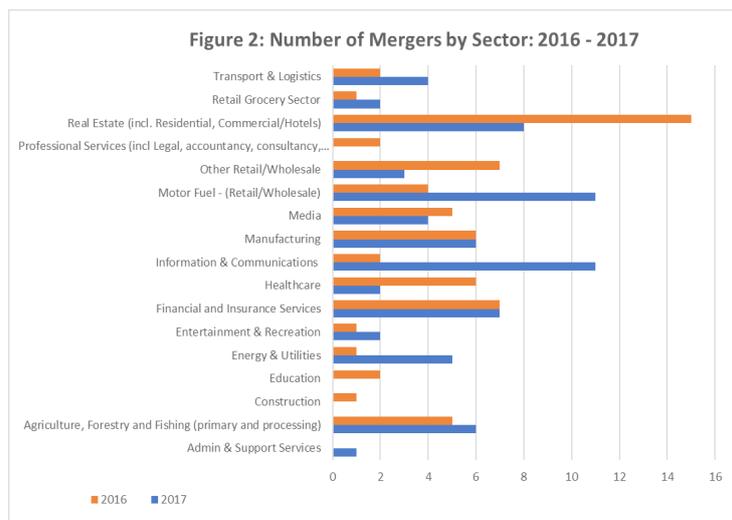
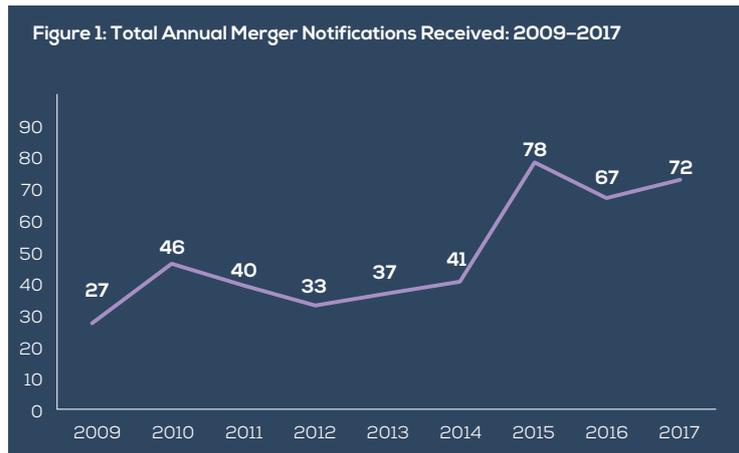
The sectoral breakdown of mergers received in 2016 and 2017 are presented in Figure 2 below. In 2016, the most prominent sector was real estate followed by financial and insurance services. In 2017, while real estate still featured

strongly, the most prominent sectors were motor fuel (retail/wholesale) and information and communications. Mergers in financial and insurance services remained strong.

## Determinations

During the course of 2017, the CCPC issued 68 determinations, 61 of which were issued in respect of proposed transactions notified during 2017 and the remaining seven were in respect of proposed transactions notified towards the end of 2016.

Determinations were made in respect of seven out of the nine extended Phase 1 investigations within a time period ranging from 50 to 85 working days, while the remaining two were still under consideration at the end of 2017. Table 1 presents a list of mergers which required an extended Phase 1 investigation.



### Table 1: - Extended Phase 1 investigations

M/17/005 – VHi Investments/VHi SwiftCare Clinics  
M/17/012 – Kantar Media/Newsaccess  
M/17/021 – Applegreen/50% of Joint Fuels Terminal  
M/17/027 – Dalata/Clarion Liffey Valley/Clayton Cardiff Lane  
M/17/035 – Dawn Meats/Dunbia  
M/17/036 – Sean Loughnane/Crinkle Fine Foods  
M/17/040 – Independent Newspapers/Caltray  
\*M/17/056 – Bay Broadcasting/Classic Rock Broadcasting  
\*M/17/064 – Tetrarch/Citywest

\*Ongoing investigations carried over to 2018

While the CCPC did not prohibit any mergers during 2017, formal commitments to alleviate competition concerns were required and obtained from parties in respect of the cases presented in Table 2 (approximately 6% of all notified mergers).

### Table 2: - Mergers cleared with commitments - 2017

M/17/012 – Kantar Media/Newsaccess  
M/17/021 – Applegreen/50% of Joint Fuels Terminal  
M/17/027 – Dalata/Clarion Liffey Valley/Clayton Cardiff Lane  
M/17/036 – Sean Loughnane/Crinkle Fine Foods.

## Timeframes

The CCPC aims at all times to ensure that it completes its merger review process in an efficient and effective manner so that mergers which do not raise competition concerns are not unduly delayed.

For mergers notified between 1 January 2017 and 31 December 2017, the CCPC took an average of 24 working days to issue a Phase 1 decision compared with 26 working days in 2016. The timelines in individual cases that did not raise serious concerns varied from 12 to 29 working days depending, for example, on the complexity of the transaction and the nature of the competition issues involved.

Since our role is to actively protect the interests of consumers and businesses, there are some notified mergers which may require more intensive scrutiny and an extended review period to enable the CCPC to issue the appropriate determination in Phase 1.

## Extended Phase 1 investigations

### M/17/005 – Vhi Investments/Vhi SwiftCare Clinics

The proposed transaction whereby Vhi Investments DAC, an indirectly wholly-owned subsidiary of the Voluntary Health Insurance Board (“Vhi”), would acquire sole control of Aras Slainte Limited was notified to the CCPC on 1 February 2017. Both Vhi Investments DAC and Aras Slainte Limited, a subsidiary of Centric Health and ultimately owned by Jellia Holdings Limited, are active in the provision of primary care

services in the State through a 50% interest each in three Vhi SwiftCare clinics located at the following addresses in the State:

- Rockfield Medical Campus, Balally, Dundrum, Dublin 14
- Columba House, Airside Retail Park, Swords, Co. Dublin
- City Gate, Mahon, Co. Cork

Following completion of the proposed transaction, Vhi, through Vhi Investment DAC, would acquire sole control of the three Vhi SwiftCare clinics in question.

The Act requires the CCPC to determine whether the proposed transaction would result in a “substantial lessening of competition”. During the extended investigation, the CCPC requested and received, on an on-going basis, further information and clarifications from the notifying parties and third parties. The CCPC’s analysis of the proposed transaction involved an in-depth economic assessment of the affected relevant markets, being the potential downstream market for the provision of private health insurance in the State and the potential upstream market for the provision of primary care services (including primary care provided by hospitals, clinics and individual medical professionals) in each of the following three geographic areas:

- The geographic area within a radius of 10 miles (16kms) from the Vhi SwiftCare clinic in Balally, Dundrum, Dublin 14 (limited to south of the River Liffey)
- The geographic area within a radius of 10 miles (16kms) from the Vhi SwiftCare clinic in Airside Retail Park, Swords, Co. Dublin (limited to north of the River Liffey)
- The geographic area within a radius of 15 miles (25kms) from the Vhi SwiftCare clinic in City Gate, Mahon, Co. Cork

Vhi is engaged downstream in the provision of private health insurance in the State while Aras Slainte Limited, through its 50% interest in the Vhi SwiftCare clinics, is involved upstream in the provision of primary care services. Therefore, the proposed transaction was not a simple joint-to-sole control acquisition. It was also a vertical merger and the CCPC conducted an extensive assessment to establish whether the proposed transaction raised any substantial lessening of competition concerns in any of the potentially affected markets identified. Upon completion of its review, on 10 May 2017, the CCPC issued an unconditional clearance determination to the parties.

### **M/17/012 – Kantar Media/Newsaccess**

On 2 February 2017, through our market surveillance, the CCPC became aware of the proposed transaction whereby Mediawatch Limited, trading as Kantar Media (“Kantar Media”), a wholly owned subsidiary of WPP plc, would acquire sole control of Newsaccess Limited (“Newsaccess”).

Both Kantar Media and Newsaccess provide media monitoring services (multichannel media monitoring and media analysis services) in the State. The media channels monitored as such include: print media, broadcast media, on-line/digital media, social

media and international media. The CCPC contacted the merging parties enquiring whether the transaction would be notified. The parties informed the CCPC that the proposed transaction fell below the financial thresholds for mandatory notification. Following a preliminary assessment of information in its possession, the CCPC was concerned that the proposed transaction would result in Kantar Media removing its closest and most substantial competitor from the market. The CCPC therefore informed the parties that they should make a voluntary notification of the proposed merger.

On 9 March 2017, the proposed acquisition by Kantar Media of Newsaccess was notified to the CCPC under section 18(3) of the Act. Following an extended preliminary Phase 1 investigation, which included Requirements for Information being issued by the CCPC to the parties and consultation with a number of organisations, including competitors, industry bodies and customers, the CCPC, on 11 July 2017, cleared the proposed transaction with binding commitments.

During the investigation, the CCPC identified competition concerns arising from the proposed transaction in the potential market for media monitoring services (print and broadcast) within the State. To address these concerns and facilitate replacement of the competition that would have been lost as a result of the proposed transaction, the CCPC required Kantar Media to submit proposals, which included a divestment of fixed assets of Newsaccess and the release of a number of contracted customers of Newsaccess from the remaining term of their fixed-term contracts. Some of the other proposals related to the operation of certain aspects of the Newsaccess business for a specific period after the implementation of the proposed transaction. Kantar Media was required to ensure that Newsaccess divested the fixed assets and committed to releasing a number of contracted customers from the remaining term of their fixed term contracts before the CCPC cleared the proposed merger.

The CCPC formed the view that the proposals obtained from Kantar Media, which the CCPC took into account and formed part of the basis of its determination, and therefore pursuant to section 20(3) of the Act became binding commitments, were appropriate and effective in addressing the competition concerns.

At the time, Isolde Goggin, Commission Chair, commented: "Our role in reviewing mergers and acquisitions is to ensure that they do not substantially lessen competition in any market for goods or services in the State. We are satisfied following our extensive investigation, and in light of the binding commitments which we have sought and secured, that we have safeguarded competition in this sector. It is important for companies and their advisors to take note that even where turnovers fall below the required financial thresholds for mandatory notification, they still have a duty to ensure that any mergers or acquisitions they propose or undertake do not substantially lessen competition in their relevant market. The CCPC will use its powers to ensure that mergers that do not meet the required financial thresholds for mandatory notification, but that are likely to result in a substantial lessening of competition, do not go unchecked."

### **M/17/021 – Applegreen/50% of Joint Fuels Terminal**

On 30 June 2017, the CCPC cleared the proposed acquisition by Applegreen Public Limited Company (“Applegreen”) of a 50% interest in the Joint Fuels Terminal (“JFT”) at Dublin Port subject to binding commitments received from Applegreen. The 50% interest in the JFT being acquired by Applegreen was previously held by Esso Ireland Limited (“Esso Ireland”) and divested by Topaz Investments Limited (“Topaz”) pursuant to the CCPC’s determination in M/15/020. The remaining 50% of the JFT remains under the control of Valero Energy (Ireland) Limited (“Valero”).

Applegreen is a public limited company registered within the State, originally established in 1992 and through its subsidiary, Petrogas Group Limited, Applegreen is active in the retail sale of motor fuels through a network of mainly Applegreen-branded retail fuel service stations within the State. In addition, Applegreen’s service stations have convenience retail stores offering grocery goods, coffee and hot food. These include franchises operated by Applegreen at larger sites, including: Burger King, Costa Coffee, Greggs, Chopstix and Subway. Applegreen and its subsidiaries also operate a network of motor fuel forecourts outside the State, also trading mainly under the Applegreen brand. Applegreen is also involved in the issuing of own brand fuel cards.

The JFT in Alexandra Road, Dublin is an unincorporated joint venture (historically jointly controlled by Esso Ireland and Valero) which operates as a sea-fed fuel terminal in Dublin Port. A Joint Operating Agreement between the parties to the joint venture, governs the relationship between them. Valero is currently the operator of the JFT.

The analysis of the proposed transaction identified a number of potential competition concerns. Subsequent to discussions with the parties, the CCPC required the parties to submit proposals pursuant to section 20(3) of the Act which became binding commitments. These commitments were aimed at ensuring that Applegreen fully replaced Esso Ireland in the JFT and at restoring the competition that would have been lost as a result of the acquisition of Esso by Topaz. As a result of the commitments, Applegreen will import and supply refined fuel products, including aviation fuel (Jet A1), through the JFT.

Taking the commitments by Applegreen into account (which formed part of the basis of the CCPC’s determination), the CCPC formed the view that the proposed transaction would not substantially lessen competition in any market for goods or services in the State.

### **M/17/027 – Dalata/Clarion Liffey Valley/Clayton Cardiff Lane**

On 17 May 2017, the proposed transaction whereby Dalata Hotel Group plc. (“Dalata”) would acquire the business and certain parts of the Clarion Hotel, Liffey Valley, Dublin 22 and certain parts of the Clayton Hotel, Cardiff Lane, Dublin 2, was notified to the CCPC under section 18(1)(a) of the Act.

The CCPC, on 29 August 2017, cleared the proposed transaction subject to binding commitments. The clearance decision was reached following an extended preliminary Phase 1 investigation by the CCPC, which included a Requirement for Further Information served by the CCPC on Dalata. During its investigation, the CCPC identified a potential competition concern arising from Dalata’s management of hotels on

behalf of third parties in the State, namely the potential that such management arrangements may provide Dalata (and the hotels that it currently owns, controls and leases) with access to competitively sensitive information (e.g. room rates) relating to the hotels that Dalata manages. The CCPC also identified a competition concern regarding the potential that such management agreements enable Dalata to exercise control, within the meaning of section 16 of the Act, over the hotels that it manages in the State.

To address these concerns, the CCPC required Dalata to submit proposals, which included confidentiality and merger notification commitments. The confidentiality commitment is intended to prevent the exchange of competitively sensitive information between any hotel which Dalata is appointed to manage in the future and any hotel owned, controlled, leased or operated by Dalata in the State which competes with such hotel, which would constitute a breach of section 4(1) of the Act. The merger notification commitment requires Dalata to inform the CCPC of any proposal by Dalata to begin operating a hotel in the State on behalf of a third party, where this would not otherwise be notifiable compulsorily to the CCPC. Furthermore, the CCPC may require the voluntary notification of any such proposal (constituting a merger or acquisition under Part 3 of the Act), even if such proposal would not otherwise be notifiable to the CCPC or to the European Commission.

The CCPC is of the view that the proposals obtained from Dalata are appropriate and effective in addressing its competition concerns. The CCPC has taken these proposals into account and they form part of the basis of its determination. As a result, the proposals have become binding commitments upon Dalata.

### **M/17/035 – Dawn Meats/Dunbia**

On 16 June 2017, the CCPC received a notification of a proposed transaction whereby Dawn Meats Ireland Unlimited Company would acquire sole control of each of Dunbia (Ireland) Limited and Dunbia (Slane) and the establishment by Dawn Holdings Limited and Mr Jim Dobson of a joint venture company which will acquire the beef and lamb businesses in the United Kingdom (“the UK”) of the Dunbia group of companies (“Dunbia”) and of the Dawn Meats group of companies (“Dawn Meats”).

In the course of an extended Phase 1 investigation, the CCPC consulted with a number of third parties, including competitors, customers, industry representative bodies and the Department of Agriculture, Food and the Marine. In addition, the CCPC carried out a detailed econometric analysis of the trend in the prices paid by slaughterhouses to farmers for live cattle for slaughter in the State over the period January 2011–September 2017. The CCPC also served a Requirement for Further Information on both Dawn Meats and Dunbia. Following this detailed assessment, the CCPC formed the view that the proposed transaction will not substantially lessen competition in any market for goods or services in the State.

In reaching this determination, the CCPC analysed the likely competitive impact of the proposed transaction in the following potential markets:

- The purchase of live cattle for slaughter within a 100km radius of Dunbia's slaughtering facility in Slane, Co. Meath.
- The purchase of live cattle for slaughter in the State.
- The sale of fresh beef meat to grocery retailers in the State.
- The sale of fresh beef meat to industrial processors in the State.
- The purchase of live lambs and live sheep for slaughter in the State of Ireland.
- The sale of fresh lamb meat to grocery retailers in the State.

The econometric analysis suggested no evidence of coordinated behaviour in the potential market for the purchase of live cattle for slaughter in the State. No third party provided evidence to suggest the existence of any form of coordination of prices for the purchase of live cattle for slaughter between competing beef processors in the State.

The CCPC's analysis concluded that the proposed transaction will not, in itself, make it more likely that Dawn Meats and its competitors will engage in coordinated behaviour in the potential market for the purchase of live cattle for slaughter in the State.

The CCPC's econometric analysis of prices paid by slaughterhouses to farmers for live cattle showed two central findings: (1) there is a seasonal variation in the prices paid by slaughterhouses for live cattle in the State with prices typically peaking in July and falling in the autumn months; and (2) the prices paid by slaughterhouses for live cattle in the State did not decline over the period January 2011-September 2017. There is no consistent identifiable trend in the prices paid by slaughterhouses for live cattle in the State over this time period.

In the course of its analysis, the CCPC also assessed whether the proposed transaction will, post-transaction, give Dawn Meats the ability and incentive to lower the prices it pays to farmers for live cattle for slaughter (or otherwise harm competition) in the State. The CCPC found that post-transaction, the increase in Dawn Meat's market share will be relatively small, and will not in itself result in Dawn Meats having the ability and incentive to unilaterally lower the prices it will pay to farmers for live cattle for slaughter in the State. Additionally, the CCPC found no evidence to suggest that Dawn Meats and Dunbia are each other's closest competitor in the purchase of live cattle for slaughter in the State. The CCPC found that, post-transaction, Dawn Meats will continue to face competition from three multi-abattoir beef processors (ABP Food Group, Kepak Group Unlimited Company and Liffey Meats Unlimited Company) and a number of single-abattoir beef processors (e.g. Kildare Chilling Company, Moyvalley Meats, Foyle Food Group, etc.) currently active in the State. The CCPC found that all of these competing beef processors have existing spare capacity for slaughtering live cattle and processing beef in their facilities. The CCPC also found that farmers have the ability to switch easily between slaughterhouses.

With respect to the other four potential markets examined by the CCPC (i.e. the sale of fresh beef meat to grocery retailers in the State; the sale of fresh beef meat to industrial processors in the State; the purchase of live lambs and live sheep for slaughter in the island of Ireland; and the sale of fresh lamb meat to grocery retailers in the State) the CCPC has concluded that the proposed transaction will not substantially lessen competition in any of these four potential markets. In each of these four potential markets, there is a negligible horizontal overlap between Dawn Meats and Dunbia and, post-transaction, Dawn Meats will continue to face competition from a number of competitors currently active in the State.

The part of the proposed transaction pertaining to the establishment by Dawn Holdings Limited and Mr Jim Dobson of a joint venture company which will acquire the beef and lamb businesses in the UK was notified to the UK Competition and Markets Authority (“CMA”) on 10 August 2017. Separately, the proposed transaction whereby ABP Food Group and Fane Valley Co-operative Society Limited would acquire joint control of the Linden Food Group was notified to the European Commission on 25 August 2017. Linden Food Group is a meat processor located in Northern Ireland. During the extended Phase 1 investigation, the CCPC discussed, with both the CMA and the European Commission, possible theories of consumer harm resulting from the proposed transactions for the purchase of live cattle and live lambs and sheep for slaughter in the State and the sale of fresh beef meat and lamb meat in the State. The outcome of both the CMA’s and European Commission’s investigations did not affect the conclusions of the CCPC.

Following the detailed assessment, the CCPC formed the view that the proposed transaction will not substantially lessen competition in any market for goods or services in the State and on 29 September 2017, the CCPC issued an unconditional clearance determination to the parties.

### **M/17/036 – Sean Loughnane/Crinkle Fine Foods**

The proposed transaction whereby Sean Loughnane (Galway) Limited (“Sean Loughnane”) would acquire certain business assets of Crinkle Fine Foods Unlimited Company (“Crinkle Foods”) was notified to the CCPC on 29 June 2017.

Sean Loughnane operates a meat processing site located in Galway City and produces processed pork products, such as branded and own label sausages and breakfast puddings, which it supplies to wholesalers, retailers and foodservices providers in the State and the UK.

Crinkle Foods is a wholly-owned subsidiary of Goldreed Holdings Unlimited Company and operates a meat processing site located in Birr, Co. Offaly. Crinkle Foods is involved in the production and supply of processed meats, such as sausages, rashers and breakfast puddings, which it supplies to wholesalers retailers and foodservices providers in the State.

The CCPC conducted an extended preliminary Phase 1 investigation, which included Requirements for Further Information served by the CCPC on both Sean Loughnane and Crinkle Foods. During said investigation, the CCPC identified a potential anti-competitive clause in the asset purchase agreement (“the Agreement”) between Sean

Loughnane and Crinkle Foods which would prevent Sean Loughnane from engaging in business activities which compete with a third company for 24 months from the completion of the proposed transaction.

To address the potential competition concern identified, the CCPC required Sean Loughnane and Crinkle Foods to submit proposals in accordance with section 20(3) of the Act. In this regard Crinkle Foods and Sean Loughnane submitted binding commitments which allowed them to vary the terms of the Agreement by deleting the relevant clause of the Agreement in its entirety, effective from 29 September 2017. In addition, both Sean Loughnane and Crinkle Foods committed not to put into effect any arrangements that would have the same or similar effect to the said clause.

The CCPC subsequently cleared the proposed transaction, subject to binding commitments on 3 October 2017.

### **M/17/040 – Independent Newspapers/Caltray**

The CCPC, on 11 October 2017, cleared the proposed transaction whereby Independent News & Media plc (IN&M), through its wholly-owned subsidiary Independent Newspapers (Ireland) Limited (INI), and Caltray Limited (Caltray) would acquire joint control of Offscript Studios Limited (Offscript Studios). The proposed transaction was notified to the CCPC on 10 July 2017.

IN&M is a public limited company incorporated in the State and listed on the Irish and London Stock Exchanges and operates a newspaper and media group on the island of Ireland.

Caltray is a holding company and one of its shareholders owns ShinAwil Limited, which is involved in the production of television shows such as The Apprentice, Dragons' Den, MasterChef Ireland and the Voice of Ireland.

The parties submitted that following completion of the proposed transaction, Offscript Studios will be involved in the production, marketing, licensing and sale of online digital video content for branded advertising.

The proposed transaction involves a vertical merger whereby IN&M subcontracted the production of two video advertising campaigns to ShinAwil and IN&M is involved in distribution/disclosure of such video contents on its online platform. Also, IN&M could use the JV Company to produce digital video content for IN&M's advertising clients.

In its review of the proposed transaction, the CCPC assessed whether, post-transaction, IN&M will have the ability and incentive to foreclose its competitors by requiring brands and advertising agencies to only use the JV Company and IN&M online platform in the market for the production, sale/licensing and distribution/disclosure of digital video content for branded advertising in the State.

The CCPC's clearance decision followed an extended preliminary Phase 1 investigation of the proposed transaction. The investigation included a Requirement for Further Information served by the CCPC on INI, IN&M and Caltray. The CCPC found that there will remain sufficient and large competitors in the market post-transaction. The CCPC,

therefore, formed the view that the proposed transaction will not substantially lessen competition in any market for goods or services in the State.

## Media & international mergers

### Media mergers

Under section 18(1)(b) of the Act (as amended by section 55(a) of the 2014 Act) and 18(5) of the Act, where a proposed merger or acquisition falls within a class of merger or acquisition specified in an order made by the Minister for Business, Enterprise and Innovation, it must be notified to the CCPC irrespective of the turnover of the undertakings involved. One such class of mergers that has been specified relates to media mergers.

Over the period from 1 January 2017 to 31 December 2017 the CCPC received four media merger notifications. Table 3 presents the list of media mergers notified in 2017. The CCPC has issued unconditional determinations in respect of two and the remaining two, namely M/17/056 – Bay Broadcasting/Classic Rock Broadcasting and M/17/068 – Irish Times/Irish Examiner, remained under investigation at the end of 2017.

**Table 3: - Media mergers notified - 2017**

M/17/009	The Color Company TM/Certain assets of Irish TV
M/17/017	Landmark Digital/BenchWarmers
M/17/056	Bay Broadcasting/Classic Rock Broadcasting t/a Radio Nova
M/17/068	Irish Times/Irish Examiner

### International mergers

The CCPC is required to monitor EU merger activity and when it considers there is a significant interest to Ireland can attend and participate in EU merger advisory committees. Over the period 1 January 2017 to 31 December 2017, the CCPC closely followed the European Commission's investigations into a number of proposed mergers including the following:

- M.8084 – Bayer/Monsanto
- M.8354 – 21st Century Fox/Sky
- M.7421 – Orange/Jazztel
- M.8601 – Greenergy/Inver
- M.8228 – Facebook/WhatsApp
- M.8306 – Qualcomm/NXP Semiconductors

# Appendix 3: Website visits & visitor engagement

## Website visits

- 1,745,724

## Visitor engagement

### Top 10 pages visited – Consumer

1. Loan calculator
2. Mortgage calculator
3. Buying a home step-by-step guide
4. PCP
5. Faulty goods
6. Mortgage comparisons
7. Buying online/Your rights online
8. Car checks
9. Disputed card transactions
10. Mortgages – Switching lenders or mortgages

## Appendix 4: Contacts & analysis

The CCPC received 42,112 contacts (through email, phone, social media and post) from consumers and businesses requesting information about a broad range of topics from consumer rights to information about financial products or expressing concerns about trader practices. This represented an increase of almost 6% on 2016. Of these 42,112 contacts, 31,117 related to consumer rights, 4,822 related to personal finance, 323 related to competition issues and 5,850 were from consumers who followed up on a previous query.

### Consumer rights contacts

The top 10 sectors as regards volume of consumer rights contacts are presented in Table 1 below. These 10 sectors account for almost 70% (69.85%) of the total consumer rights contacts generated in 2017. The top three sectors are the same as those recorded in 2016, namely Telecommunications, Vehicles & Personal Transport and Clothing/Footwear/Accessories. All three classifications had a reduced volume of contacts over 2016 figures: Telecommunications was down 10.2%, Vehicles & Personal Transport down 3.8% and Clothing/Footwear/Accessories down 2.7%.

House Buildings/Maintenance/Improvements remained in fourth position but had 123 more contacts than in 2016, a 6.4% increase. Furniture & Furnishings moved up from eighth position to sixth with 105 extra contacts, a 6.9% increase. By far the most significant increase in contacts was in the Scams/Pyramid Schemes/Unsolicited classification with a 69.9% increase (197 additional contacts).

**Table 1: 2017 Consumer rights contacts by sector**

	Sector	No. of Contacts (position in 2016)	% Increase/ Decrease on 2016
1	Telecommunications	4,450 (1)	-10.2%
2	Vehicles & Personal Transport	4,237 (2)	-3.8%
3	Clothing/Footwear/Accessories	2,535 (3)	-2.7%
4	House Buildings/Maintenance/ Improvements	2,054 (4)	+6.4%
5	AV/Electronic and Assoc. Goods	1,820 (5)	-4.8%
6	Furniture & Furnishings	1,631 (8)	+6.9%
7	Domestic Appliances	1,604 (6)	-4.9%
8	Travel, Transport & Holidays	1,599 (7)	+3.8%
9	Recreation/Sport/Leisure	928 (10)	+7.3%
10	Specialist & Professional Services	876 (11)	+2.9%

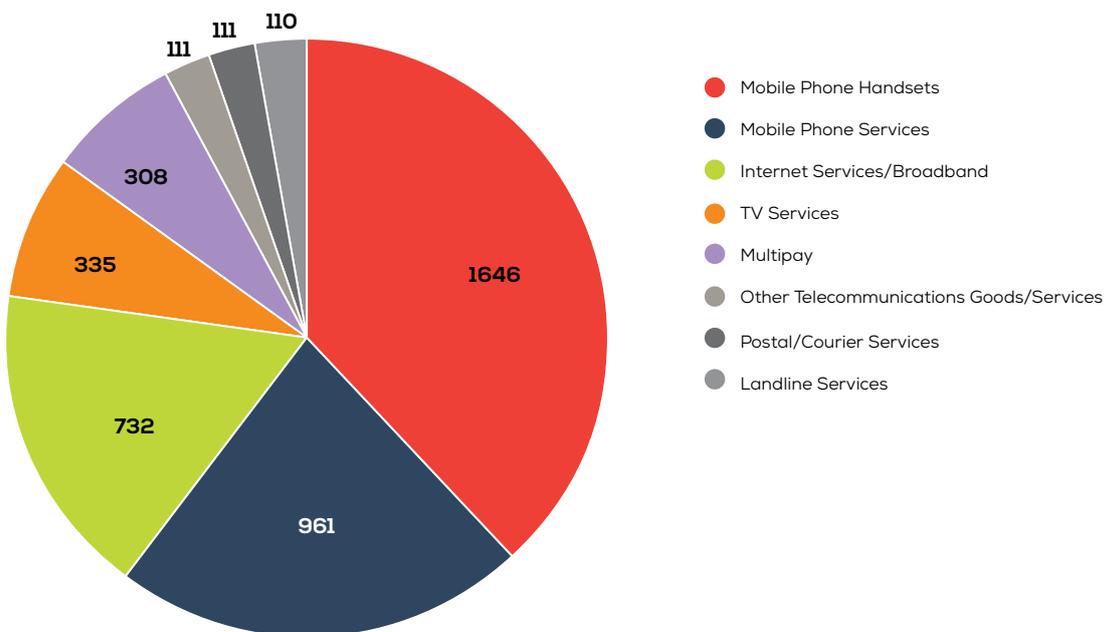
## Sectoral analysis

### 1) Telecommunications (4,450)

Over one third (37%) of the Telecommunications contacts generated were in relation to Mobile Phone Handsets (1,646 contacts), followed by Mobile Phone Services (961 contacts) and Internet/Broadband Services (732 contacts). A breakdown of the main Telecommunications sub-sectors, by volume, is shown in Fig. 1 below.

Just over two-thirds (67%) of Mobile Phone Handsets contacts (1,106 contacts) related to the issue of "Faulty Goods & Services". The highest proportion of "Faulty Goods & Services" contacts were queries, where the consumer wanted information about who to contact or what steps to take next (426 contacts), followed by "Redress offered not to consumer's satisfaction" (247 contacts), where an offer of redress was made but the consumer was not happy to accept the offer, and "Recurring Faults/Faulty After Repair/Several Repairs" (177 contacts).

**Figure 1 Breakdown of Telecommunications contacts by sub-sector\***



**Not shown:** Premium Rate Services: **94**, Prepaid Credit for phones: **23**, Landline Handsets: **19**

The next three highest volume classification of Mobile Phone Handsets contacts related to issues around seeking redress with "Referred to Manufacturer/Trader unwilling to resolve" (70 contacts), "Guarantee/Warranty Issue" (60 contacts) and "Excessive Repair/Resolution Time" (42 contacts) – a total of 172 contacts, when taken together.

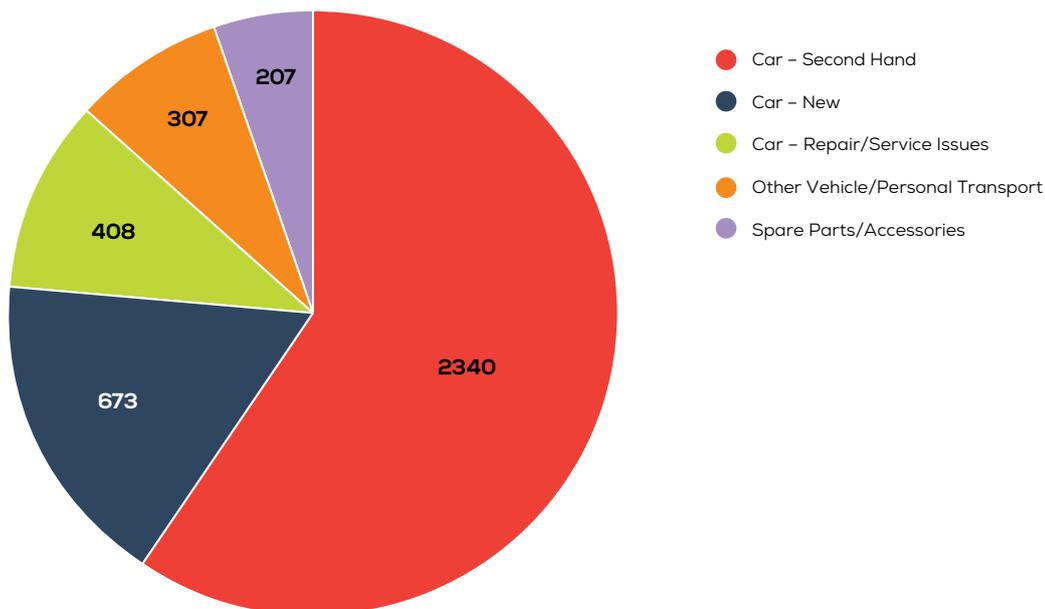
Contacts logged in the "Mobile Phone Services", "Internet/Broadband Services", "TV Services" and "Multiplay" sub-sectors were, in general, contract-related, with "Charges/Payments/Deposits" being the main issue (785 contacts in these four sub-sectors). Changes to price or charging structures, invoice issues and unexpected charges all featured prominently under these classifications. These four sub-sectors also had a high

volume of “Contract Cancellation” issues logged (460 contacts in these four sub-sectors) with “Consumer Change of Mind” being the principal driver under this heading.

## 2) Vehicles & Personal Transport (4,406)

The three main sub-sectors on which contacts were received were Car – Second Hand (2,340), Car – New (673) and Car – Repair/Service Issues (408). A breakdown of the main Vehicles & Personal Transport sub-sectors, by volume is shown in Fig. 2 below.

**Figure 2 Breakdown of Vehicles & Personal Transport by sub-sector**



**Not shown:** Car Parks/Clamping: 73, Motor Cycle /Quad Bike: 63, Bicycles-Adult: 55, NCT/Driving Tests/Licences: 45, Tolls/Toll Providers: 36, VRT/Motor Tax/Log Books: 30

There was a slight reduction in volume (-3.8%) in this category from 2016. The primary issue was “Faulty Product/Service” which made up 61% of contacts relating to second-hand cars, 64% of contacts related to new cars and 44% for servicing/repairs. The vast majority of these contacts were queries, where the consumer was looking for information about their consumer rights or what steps to take next, rather than making a complaint. This was followed by the issue of “Recurring faults after repair”. The issue of “Recurring faults after repair” made up 17.5% of issues logged for New Cars (118 contacts).

Of the 316 Unfair Commercial Practice contacts relating to second-hand cars, 282 of these related to “Clocked or Crashed Cars”, an increase of 11 contacts from 2016.

## 3) Clothing/Footwear/Accessories (2,468):

There was a slight increase (+2.7%) in contacts logged under this classification in 2017. Just over half (53%) of these contacts related to Clothing (1,350 contacts), 23% to Footwear (577 contacts), 15.5% to Jewellery (392 contacts) and the remaining 8.5% to other categories. The majority of contacts in this category related to general sale of goods issues, primarily faulty products and general queries, where the consumer

was looking for information about their consumer rights and how to proceed rather than making a complaint about a trader's behaviour. The highest volume of contacts outside of Sale of Goods issues was in the Contract Cancellation classification with 264 contacts. The Consumer Rights Directive/eCommerce classification also showed an increase in contacts with 183 in 2017, up from 161 contacts in 2016. Delivery/Refund matters continued to be the main issue under this heading with 149 contacts.

## Issues analysis

Table 2 presents the top substantive issues recorded concerning consumer rights matters in 2017. As with 2016 (and preceding years), "Goods & Services" (i.e. "Sale of Goods") issues and "Contract" issues were to the fore. With almost 1,000 fewer contacts recorded in the "Goods & Services – Faulty" classification in 2017 (down from 9,519 in 2016 to 8,525 in 2017, representing a 10.4% reduction), this classification still has by far the highest volume of contacts associated with it, representing 27% of the total consumer rights contacts recorded for the year. Almost half of these contacts (4,208 contacts) related to queries where the consumer was looking for further information on how to deal with their issue. This was followed by "Redress offered not to consumer satisfaction" (1,603 contacts) where some redress has been offered but the consumer is not happy with the offer and wanted further information on how to pursue the matter. With regard to Contracts – Charges/Payments/Deposits, 40% of these contacts (1,309 contacts) concerned unexpected or unauthorised charges.

**Table 2: Top Consumer rights contacts by issue – 2017**

Issue	Contacts
Goods & Services - Faulty	8,525
Contracts - Charges/Payments/Deposits	3,239
Contracts - Cancellation	2,285
Goods & Services - Sale of Goods/Service Issues	2,004
Goods & Services - Queries General	1,803
Contracts - Performance T&Cs	1,469
Pricing	962
Consumer Rights Directive/ecommerce	944
Contracts - General	931
Unfair Commercial Practices	515

Other potentially significant increases were noted under "Goods & Services – Sale of Goods/Service Issues" which had a 39.4% increase (up from 1,438 in 2016 to 2,004 in 2017), and the "Contracts – Cancellation" classification with a 37.2% increase (up from 1,665 in 2016 to 2,285 in 2017).

## Personal finance contacts

There were 4,822 personal finance contacts in 2017 compared to 4,134 in 2016, an increase of 16.6%. Table 3 below shows the top ten financial categories, by volume of contacts recorded, under the personal finance category. Motor Insurance continued to generate by far the highest volume of contacts with 1,498 (31% of total personal finance contacts for 2017 and an increase of 24.4% on 2016 volumes). This is well ahead of the next highest volume product sector, Mortgages & Equity Release, which had 845 contacts.

**Table 3: Top 10 Personal finance categories 2017**

Pos.	Product Sector	No. of contacts
1	Motor Insurance	1,494
2	Mortgages & Equity Release	845
3	Current Accounts	317
4	Home Insurance	287
5	Insurance outside of main insurance types (e.g. pet, wedding, boat insurance etc.)	279
6	Hire Purchase/Car Finance/Consumer Hire	223
7	Loans	216
8	Credit Cards	170
9	Health Insurance	161
10	Life Insurance	157

### 1) Motor Insurance

Motor Insurance contact volumes continued to increase and grew by almost a quarter over 2016 figures. The main issues recorded concerned "Costs & Fees" with 372 contacts, of which 277 were in relation to an "Increase in Premium". There were 288 contacts relating to "Claims".

### 2) Mortgages & Equity Release

After experiencing an almost 40% reduction in contacts in 2016, Mortgages & Equity Release showed a 42.3% increase in contacts in 2017 (from 594 contacts in 2016 to 845 contacts in 2017). Table 4 shows the top five mortgage types for which these contacts were recorded.

**Table 4: Top Five mortgage types under Mortgages and Equity Release**

Mortgages & Equity Release	Total
Variable Interest Rate Mortgage (Capital & Interest)	194
Tracker Rate Mortgage (Capital & Interest)	165
Fixed Interest Rate Mortgage (Capital & Interest)	113
Applying for a Mortgage/Equity release	112
Equity Release	84

Variable Interest Rate Mortgage returned to the top of the list (having fallen to second in the 2016 report) with an extra 83 contacts recorded (a 74.7% increase on 2016 figures). The main issues are evenly spread between “Interest Rates” (38 contacts), “Switching” (36 contacts) and “Payment Protection Insurance” (31 contacts). Each of these main issues more than doubled in volume on 2016 figures.

Tracker Rate Mortgage contacts also showed a significant increase (up from 94 in 2016 to 165 in 2017, a 75.5% increase). 50 of these contacts were “Information” requests. The next highest volume of contacts related to “Interest Rates” (32 contacts), which generally related to more focused queries/complaints on which interest rate a consumer thinks or knows that they should be on.

### 3) Other financial product categories

As can be seen from Table 3, half of the top ten personal finance sectors for 2017 related to insurance products. Furthermore, all of the insurance sectors showed an increase in contact volumes from 2016 figures. “Home Insurance” in particular, showed a 47% increase on 2016 contacts (up from 195 contacts to 287).

Contacts relating to “Current Accounts”, “Loans” and “Credit Cards” reduced during 2017 with a notable 33% reduction in “Credit Cards” contacts, down from 254 in 2016 to 170 in 2017. “Hire Purchase/Car Finance/Consumer Hire” increased in volume by 38 contacts, a 20.5% increase.



