



Coimisiún um
Iomaíocht agus
Cosaint Tomhaltóirí

Competition and
Consumer Protection
Commission

CONSUMER PROTECTION ACT 2007 (GROCERY GOODS UNDERTAKINGS) REGULATIONS 2016

GUIDANCE ON COMPLETING THE ANNUAL COMPLIANCE REPORT

VERSION: JANUARY 2019

Contents

1	Part A: Completing the Annual Compliance Report	3
2	Signature page	3
3	Overview of compliance (Section 1a)	3
4	Details of breaches or alleged breaches (Section 1b).....	3
5	Details of designated staff (Section 2a)	4
6	Details of training provided to designated staff (Section 2b)	4
7	Dissemination of information (Section 3).....	5
8	List of suppliers (Section 4)	5
9	Part B: Process for submitting the Annual Compliance Report	6
10	Publication	6
11	Retention of supporting documentation and records	6
12	Enforcement.....	7

1 PART A: COMPLETING THE ANNUAL COMPLIANCE REPORT

This information is provided to assist the Relevant Grocery Goods Undertaking (“RGGU”) in completing and submitting the Annual Compliance Report (“the report”) to the Competition and Consumer Protection Commission (“the CCPC”), as required under Regulation 18 of the Consumer Protection Act 2007 (Grocery Goods Undertakings) Regulations 2016 ([S.I. No 35 of 2016](#)) (the “Regulations”). In accordance with Regulation 18(2)(b), the report shall be submitted in such form and manner as specified by the CCPC.

It is advisable to read this information carefully in advance of completing the report. Please complete all sections of the report.

This guidance should also be read in conjunction with the following documentation:

- [The Regulations](#), which came into effect on the 30 April 2016, and apply to retailers and wholesalers of food and drink in Ireland who have, or are part of a group of related companies with, a worldwide turnover in excess of €50 million (known as Relevant Grocery Goods Undertakings – “RGGUs”)
- Part 6 of the [Competition and Consumer Protection Act 2014](#) (“The Act”)(which amends the Consumer Protection Act 2007) is the legal basis for the Regulations and contains a number of definitions which are referred to in the Regulations and which may provide further clarity when interpreting the Regulations and completing the compliance report.
- The [guidelines](#) published by the Department of Business, Enterprise and Innovation which provide information and guidance on the provisions of the Regulations.

2 Signature Page

The RGGU is required to complete and sign this page to confirm that the report is an accurate account of the RGGU compliance with the requirements of the Regulations. In accordance with Regulation 18(2) (a), the report has to be signed by a director of, or secretary to, the RGGU. RGGUs must not provide information to the CCPC that they know to be false or misleading.

3 Overview of compliance (Section 1a)

This section should provide a detailed and accurate account of the steps that the RGGU has taken to ensure compliance with the Regulations during the reporting period. The narrative can include any arrangements that are put in place within the RGGU that are designed to ensure compliance which can include but are not limited to - any policies, procedures, controls, reporting requirements etc.

4 Details of breaches or alleged breaches (Section 1b)

Regulation 18(3)(a) requires the RGGU to provide details of any breach or alleged breach of the Regulations that has been identified by or notified to the RGGU during the reporting period.

If a breach or alleged breach has not taken place during the period, please indicate “not applicable” for each subsection in Section 1(b).

When providing details for each breach/alleged breach, the following questions should be considered when responding:

- How was the breach/alleged breach identified by, or notified to, the RGGU? i.e. a complaint by a supplier, third party or through the RGGU's own internal processes.
- If notified, please provide name and details of the supplier.
- If notified, was the complaint made verbally or in writing to the RGGU?
- Which product/product category does the breach/alleged breach relate to?
- What measures were taken to investigate the breach/alleged breach?
- What was the outcome of the investigation into the breach/alleged breach?*
- How was the breach/alleged breach corrected?
- What measures have been taken to avoid recurrence?

Supporting documentation relating to each breach/alleged breach, is not required to be submitted with the report. However, please ensure that all supporting documentation relating to the breach/alleged breach is retained for any future inspection by the CCPC.

**Please note that any instances of breaches notified in a previous compliance report which have not been resolved by the end of that reporting period, should also be addressed in the subsequent report.*

5 Details of designated staff (Section 2a)

Regulation 17(1) sets out requirements on RGGUs in the area of designating and training staff to be responsible for complying with the Regulations and for dissemination of information on the Regulations to other staff. This section requires the RGGU to provide details on each individual staff member responsible for compliance and/or dissemination of information on the Regulations for the reporting period. The following information should be provided in accordance with Regulation 18(3)(b):

- The name of the staff member
- The job title or position of staff member
- Contact details

For each designated staff member listed, the RGGU is required to list whether each individual staff member is responsible for compliance with the Regulations, dissemination of information in relation to the implementation of the Regulations to other staff or if the staff member is responsible for both.

6 Details of training provided to designated staff (Section 2b)

In accordance with Regulation 18(3)(c), the report shall include details of the relevant training of staff that have been designated to be responsible for compliance with the Regulations and/or for dissemination of information in relation to the implementation of the Regulations. Such designated staff have been listed in section 2(a) of this report. Not all staff across the RGGU are required to be trained in relation to the Regulations but training is required for all staff that are responsible for compliance and/or dissemination of information on the Regulations.

This section should provide details of relevant training provided to designated staff only and should include details on the total number of designated staff that have been trained, the position or job title of each staff member and the location of the staff trained during the reporting period.

In addition, details are required on the person(s) that provided the training and should include name and contact details. An overview of the nature and content of the training should be provided and should include the dates, duration and delivery i.e. in person, through webinar etc. This section should also include any refresher training that has taken place throughout the reporting period.

Supporting documentation relating to relevant training is not required to be submitted with the report. However please ensure that these records are retained for any future inspection by the CCPC.

7 Dissemination of information (Section 3)

In accordance with Regulation 18(3)(d), the report shall include details of the dissemination in accordance with Regulation 17 of information on the implementation of these Regulations to staff of the RGGU. Designated staff as outlined in Section 2(a) of the report have a requirement to disseminate this information to other staff within the RGGU.

This section should provide details on information that has been disseminated to other staff in the RGGU in relation to the implementation of the Regulations during the reporting period.

The following information should be provided:

- Nature of the information disseminated i.e. general information on the Regulations, internal compliance arrangements in place, engagement with suppliers etc.
- Format of information disseminated - how was the information distributed? i.e. e-mail, newsletters, staff intranet, training courses etc.
- Frequency of information disseminated - how often is the information circulated to staff? i.e. quarterly, monthly updates, once-off.

Supporting documentation relating to the dissemination of information to staff is not required to be submitted with the report. However please ensure that these records are retained for any future inspection by the CCPC.

8 List of suppliers (Section 4)

In accordance with Regulation 18(3)(e), the report shall include a list of the names and addresses of all suppliers of grocery goods both in Ireland and internationally with whom the RGGU has (a) entered into, (b) renewed or (c) terminated contracts within the period covered by the Report.

Only suppliers of food and drink, as defined in Section 63A(a) of the Consumer Protection Act 2007 (as inserted by Section 83 of the Competition and Consumer Protection Act, 2014) should be listed in the report. Suppliers that only supply other goods (household cleaning products, toiletries etc.) to the RGGU should not be included

As an alternative to completing the table in Section 4, the CCPC will accept an excel file containing details of the relevant suppliers, submitted as an annex to the report. For

consistency, the excel file must be set out as per Section 4 i.e. to include, name of supplier, address and clearly distinguishing whether the supplier contract has been entered into, renewed or terminated during the reporting period.

9 PART B: PROCESS FOR SUBMITTING THE ANNUAL COMPLIANCE REPORT

The Annual Compliance Report should be password protected and submitted electronically via email to grocery@ccpc.ie or by USB via registered post to the Consumer Protection Division, Competition and Consumer Protection Commission, Bloom House, Railway Street, Dublin 1, D01 C576.

Submissions should be titled 'Annual Compliance Report – Grocery Goods. The password to access the report should be sent separately to the CCPC via e-mail.

If further advice is required on preparing the report, please contact the Consumer Protection Division at grocery@ccpc.ie.

The report for the period from 01 January 2018 to 31 December 2018 must be submitted no later than 31 March 2019. However, RGGUs are encouraged to submit reports in advance of this and as soon as practicable in 2019.

Reports will be acknowledged on receipt. Once the reports are submitted, the CCPC's Consumer Protection Division will carry out an assessment of the information contained in the reports. The CCPC may seek further clarification from a RGGU on the information provided in the report, if required.

Following assessment, the CCPC intends undertaking a programme of risk based on-site inspection activity.

10 Publication

It is recognised, that the reports may include commercially sensitive information. For this reason, the CCPC does not intend to publish the compliance reports as submitted.

The CCPC will publish a list of the RGGUs who have submitted annual compliance reports. The CCPC may, in due course, report further on the compliance regime, any particular issues arising and any wider issues relating to the Regulations.

11 Retention of supporting documentation and records

As indicated elsewhere, RGGUs are not required to submit supporting documentation along with the annual compliance report but such documentation must be retained in order to substantiate the information provided in the compliance report and be available for inspection by the CCPC.

Regulation 19 also specifies additional classes of documents and records that must be maintained by RGGUs. Such material should be retained, and be available for inspection by the CCPC, for a

period of 6 years after the end of the financial year in relation to which the information, documents or records relate.

12 Enforcement

The CCPC has responsibility, under the Act, for enforcement of the Regulations. This relates to the conduct of inspection / investigation activity and taking enforcement action, where appropriate.

The CCPC can:

- Undertake inspection activity of RGGUs to monitor compliance with the Regulations.
- Investigate any complaints received, where the CCPC considers that there are reasonable grounds to believe that an RGGU may have contravened the Regulations.

Where the CCPC is of the opinion that an RGGU has contravened the Regulations, the CCPC may in certain circumstances issue a Contravention Notice to the relevant RGGU or may initiate criminal proceedings. Failure to comply with a Contravention Notice may result in criminal proceedings.

.... Ends