

# 2022

ANNUAL REPORT

01-01-2022 – 31-12-2022

COMPETITION AND CONSUMER PROTECTION COMMISSION



Coimisiún um  
Iomaíocht agus  
Cosaint Tomhaltóirí

Competition and  
Consumer Protection  
Commission





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## 2022 IN NUMBERS



**70**

merger  
determinations  
issued



**1**

proposed  
merger prohibited



**423**

business inspections  
on consumer law  
compliance



**35**

enforcement  
actions for breaches  
of consumer  
protection law



**705,582**

unsafe products  
removed from the  
Irish market



**3**

enforcement notices  
issued for unsafe  
products



**9**

market reviews and  
research reports  
published



**654**

engagements to  
support policy and  
legislative change



**794,974**

visitors to our  
online Money Tools



**32,431**

consumers  
contacted  
our helpline



**1**

new  
organisational  
Division



**57**

positions filled  
across the  
organisation

## FROM THE CHAIRPERSON

As Acting Chairperson, I am delighted to introduce the CCPC's 2022 Annual Report. The year was certainly a busy one with a lot of change, but I believe we navigated the challenges well while continuing to make clear progress on implementing our Strategy Statement 2021-2023. Before I talk about some of the key results, I want to acknowledge the work of our previous Chairperson, Jeremy Godfrey, in guiding our strategic focus during the year. I am honoured to take up the Acting Chairperson role until a new Chairperson joins us.

2022 was a particularly challenging year for consumers, with the cost of living crisis putting a severe strain on many household budgets. In response, we adapted our work programme to focus on unlawful competition and consumer protection practices with a direct effect on consumer prices. This included carrying out a wide range of instore and online inspections to assess business compliance with consumer protection legislation. We examined the retail motor fuel sector following complaints from the public after the Government announced a temporary reduction of excise duty charged on petrol and diesel. We also carried out a range of public information campaigns throughout the year, including highlighting our Money Tools so that consumers could obtain impartial advice on managing their money and choose the best value financial products for their needs.

The CCPC's merger review function plays an important part in protecting consumers and ensuring there is not a substantial lessening of competition following a transaction. In financial services alone, we issued six banking merger determinations; these are in addition to the 12 we made in 2021. The strong pace of change in retail banking shaped our response to the Department of Finance Retail Banking Review, where we highlighted that the departure of key retail banks could have an adverse effect on consumers and on the level of competition in the sector. We support the recommendations of the Retail Banking Review, published in November, especially the commitment to develop a national financial literacy strategy.

2022 was a year of firsts on a number of fronts. We prohibited a merger for the first time, as it would substantially lessen competition. We banned self-feeding baby pillows due to the risk of death or serious harm to infants. We carried out an in-depth review of social media influencer marketing and we successfully completed behavioural savings trials in partnership with the ESRI. The recommendations from these two reports will improve consumer welfare and we look forward to their implementation.

It was also a positive year for the development of our powers across our key mandates. We welcomed the enactment of the Competition (Amendment) Act 2022 and continued our preparations for its implementation. November was a significant month for consumers as the Consumer Rights Act 2022 commenced. This new legislation represents a sea-change in consumer protection law as it gives consumers stronger rights, protections and remedies.

Legislation was also introduced in November to give consumers more confidence in the pricing they see during sale periods. As an outcome of our advocacy work, four Statutory Instruments were signed into law, which will allow us to enforce product safety law more effectively.

Digital transactions are now part of the day-to-day life of many consumers, and a key priority for the CCPC is ensuring that the regulatory landscape supports consumers. In 2022, we were a founding member of Ireland's first Digital Regulators Group. The aim of the group is to ensure that digital legislation is applied in a consistent and cohesive manner in Ireland. We also carried out extensive engagement to prepare for the commencement of two important pieces of legislation, the Digital Markets Act and the Digital Services Act, in 2023.

Within the CCPC, we continued to review our structures and practices so we can effectively respond to our wide-ranging remit. We developed a standalone Cartels Division to focus on investigating breaches of criminal and administrative competition law. We started a review of our Consumer Protection structure in order to deliver on recent legislative changes and improve consumer outcomes. We also began scaling up our Organisational Development/Human Resources Unit to a Division, so it is better equipped to provide operational and strategic support to the CCPC.

Finally, I want to express my gratitude to the staff of the CCPC, whose effort and dedication has made all of our work in 2022 possible. I also want to acknowledge the continued and valuable support of our parent Department, the Department of Enterprise, Trade and Employment. The experience of the CCPC in 2022 continues to show that our vision for open and competitive markets where consumers are protected and businesses actively compete remains as important as ever.



A handwritten signature in black ink, appearing to read 'M. Kenny'.

**Patrick Kenny**, Interim Chairperson

1



We will use our powers to deliver effective enforcement and compliance outcomes.

2



We will empower consumers to make informed decisions by providing information about their rights, personal finance and product safety.

3



We will be a leading voice in representing the interests of consumers and promoting competition.

4



We will continue to invest in our people, governance and infrastructure, continuously improving in a changing workplace environment.



## STRATEGIC GOAL 1

We will use our powers to deliver effective enforcement and compliance outcomes.

Strategic goal 1 activities focus on delivering:



Increased outcomes across all enforcement activities.



Increased levels and visibility of direct engagement with businesses to achieve compliance.



Increased number of inspections and compliance sweeps.




Improved average timeframe for Phase 1 merger review decisions.




### Competition

#### Competition (Amendment) Act 2022


 The CCPC continued to support the enactment of the Competition (Amendment) Act 2022, which will commence in 2023. During the year, we carried out six public consultations and organised stakeholder briefings on new policy requirements.

### Consumer Protection


#### Consumer Rights Act

 The Consumer Rights Act (CRA) commenced on 29 November 2022. The legislation brings stronger rights, protections and remedies for consumers for goods and services. The CRA includes new rights and remedies for consumers who buy digital goods and services and a blacklist of unfair contract terms and conditions.


#### Amending Product Pricing Regulations<sup>1</sup>

 The new legislation on price reduction announcements commenced on 28 November 2022. It was introduced to give consumers more confidence on pricing during sale periods. Businesses must now indicate what the lowest prior price was in the previous thirty days before the current price reduction was applied.

### Product Safety

 Four Statutory Instruments (S.I.) on Low Voltage Products, Toy Safety, Gas Appliances and Personal Protective Equipment<sup>2</sup> were signed into law in 2022. The legislation brings greater consistency to the CCPC's authorised officer powers and enforcement notices for these areas. The CCPC advocated for these changes, which allow us to enforce product safety law more effectively.

### Digital Regulation

 The CCPC continued to prepare for the commencement of the Digital Markets Act and the Digital Services Act, which will introduce strong obligations on gatekeepers and very large online platforms. This included detailed engagement with the Department of Enterprise, Trade and Employment and the European Commission. We also engaged with national and international counterparts to learn from their experiences with digital regulation to ensure consumers have stronger online protections.



<sup>1</sup> S.I. No. 597 of 2022 - European Union (Requirements to Indicate Product Prices) (Amendment) Regulations 2022.

<sup>2</sup> The S.I.s cover legislation the CCPC enforces as part of the Market Surveillance Regulation (2019/1010).



## Delivering the Strategy Statement 2021-2023

CCPC activity from the last year of the Strategy Statement 2018-2020 is the baseline for the Strategy Statement 2021-2023.

### Strategy Measure:

**Increased outcomes across all enforcement activities.**

One court prosecution for car crime was concluded in 2020 and three prosecutions were concluded in 2022. This enforcement approach was pursued by the CCPC due to the severity of the breaches by the car traders, which included providing an incorrect ownership history, stating a car had not been previously crashed and understating the mileage. The 2022 proceedings included €15,750 in compensation for the consumers affected and €1,750 in fines.

The CCPC carried out 16 non-court enforcement actions in 2020 and 35 in 2022. These enforcement actions were taken as the most appropriate tool to direct businesses to become compliant with the law. In 2022, 12 Compliance Notices were issued to retailers for misleading pricing, incorrect returns information and not having a link to the Online Dispute Resolution Platform. Compensation of €9,600 was paid to consumers as part of three Compliance Notices issued by the CCPC for car crime in 2022. A total of 17 Fixed Payment Notices were issued by the CCPC in 2022, where 15 were in relation to the selling price of a product not being indicated.

Key product safety enforcement actions included banning self-feeding baby pillows due to the risk of death and serious harm to infants. Two enforcement notices were served to importers attempting to import products into Ireland and one enforcement notice was served as part of the conclusion of the PPE face masks investigation.

*Further information is provided in this section.*

## Competition

### Private Motor Insurance



In 2022, the CCPC published the report on our investigation into anti-competitive price signalling in the private motor insurance sector. The investigation resulted in AIG, Allianz, AXA, Aviva, FBD and AA entering into commitment agreements with the CCPC in 2021. They covered implementing and maintaining an appropriate internal competition law compliance programme.

### Bid-rigging of Tenders for School Transport



Summonses were issued to thirteen suspects charged in 2021. The suspects appeared before the District Court where books of evidence were served. The matter was transferred to the Central Criminal Court.

### Competition Law and the War in Ukraine



The CCPC is a member of the European Competition Network (ECN), which stated that it will not actively intervene against companies who have to cooperate to mitigate against disruptions caused by the crisis in Ukraine. The ECN also warned that it will act against companies taking advantage of the crisis by entering into cartels or abusing their dominant position.

## Consumer Protection

### Prosecutions



Three prosecutions for car crime were concluded:

Fergus O'Donnell, Inclusive Car Sales, Park West Industrial Park, Dublin 12.

- For advertising and selling a car with an incorrect ownership history and understating the mileage.

Anthony Behan, Ratoath, Co. Meath.

- For asserting that a car was not previously crashed when he sold it to a consumer.

Jordan Black, Co. Carlow.

- For acting as a disguised trader<sup>3</sup> and misleading a consumer on the mileage of a car.

### Compliance Notices



Twelve Compliance Notices (CNs) were issued to retailers for the following issues:

- Misleading pricing: Four CNs
- Incorrect returns information: Six CNs
- No link to the Online Dispute Resolution (ODR) platform: Two CNs

Dublin Mint Office received two CNs for:

- Having incorrect legislation and cancellation time frames on their website
- Having no link to the ODR platform

Munster Tech received three CNs for:

- Having an incorrect returns time frame on their website
- Charging consumers a re-stocking fee for returning items ordered on their website
- Having no link to the ODR platform

Three CNs were issued to car traders on providing false information to consumers on the usage or prior history of a car. As part of these enforcement actions five consumers received compensation, which totalled €9,600.

### Fixed Payment Notices



Seventeen Fixed Payment Notices (FPNs) were issued to businesses for the following issues:

- The selling price of a product was not indicated: 15 FPNs
- The selling price of diesel and/or petrol was not indicated: One FPN
- Information required by legislation before a consumer agrees to a distance contract was not provided: One FPN

### Other Actions



**Social Media Platforms:** The CCPC co-led a formal EU Consumer Protection Cooperation (CPC) dialogue with TikTok. 29 commitments were secured on the labelling of advertisements and branded content, personalised advertising and virtual items. The CPC continues to focus on ensuring that TikTok appropriately label commercial content.



**Pyramid Schemes:** The CCPC issued a warning to the public on a scheme that targeted the African community as part of an ongoing investigation.



<sup>3</sup> A business is known as a disguised trader when they present themselves to a consumer as a private seller. This practice is prohibited under consumer law.

## Enforcement Support



**French Leaseback:** The CCPC supported the French Consumer Protection Authority (DGCCRF) investigation by:

- Supplying information to complainants when requested by the DGCCRF
- Updating the DGCCRF on issues raised by the complainants
- Forwarding additional documentation to the DGCCRF at the request of complainants
- Providing updates to complainants as authorised by the DGCCRF

In 2022, the CCPC responded to 63 queries from complainants and MEPs. The CCPC published an update from the DGCCRF in December on the status of their investigation and the next steps that Irish owners of a French Leaseback property can take.



**US Sweepstakes:** The CCPC supported the Federal Trade Commission to compensate consumers in Ireland as an outcome from their sweepstakes enforcement action.

## Product Safety

### Product Ban



The CCPC banned self-feeding baby pillows due to the risk of death or serious harm to infants. We collaborated closely with the Health Service Executive and issued notices to businesses and consumers to immediately stop selling or using them.

### Enforcement Notices



Two enforcement notices were served to importers attempting to bring unsafe products into Ireland, arising from the referrals the CCPC received from Customs. One enforcement notice was served as part of the conclusion of our investigation into personal protective equipment (PPE) face masks.

## Customs Activity



A total of 6,000 unsafe electrical and toy products were stopped from being placed on the Irish market due to the work of the CCPC and Customs.

## Market Surveillance



A total of 705,582 unsafe products were removed from the Irish market due to the CCPC's proactive market surveillance work. This included 250,000 unsafe facemasks, that were part of the PPE enforcement action which concluded in 2022.

## Unsafe Product Notifications



The CCPC investigated 104 notifications from Ireland and across Europe on unsafe products. This resulted in the withdrawal or recall of over 21,000 products from the Irish market. This included one emergency recall across Europe of a 'Mushroom Teether' toy for babies.

## Safety Gate Activity



The CCPC continued to manage EU Safety Gate notifications for unsafe products, which increased by 100% from 2021. During the year, the CCPC worked with 18 market surveillance authorities (MSAs) on risk assessment and corrective measures, in our role as the lead MSA in Ireland.

### Delivering the Strategy Statement 2021-2023

CCPC activity from the last year of the Strategy Statement 2018-2020 is the baseline for the Strategy Statement 2021-2023.

### Strategy Measure: Increased levels and visibility of direct engagement with businesses to achieve compliance.

The CCPC published three guidelines<sup>4</sup> for businesses in 2020 and seven guidelines in 2022. The publications in 2022 covered the consumer rights legislation that commenced during the year, the Consumer Rights Act 2022 and the Amending Product Pricing Regulations.

Eleven reminders were sent to businesses on their obligations in 2020 and 315 reminders were sent in 2022. This included sending 175 letters to businesses outlining the new requirements of the Amending Product Pricing Regulations. The CCPC wrote to 77 businesses reminding them of their SEPA obligations during 2022. The CCPC's engagement in 2022 supported 59 voluntary compliance actions by businesses. The CCPC also actively engaged with 24 online platforms on the Platform to Business Regulation to support compliance.

The CCPC responded to 84 businesses on a wide range of consumer protection matters and to 37 businesses to support their understanding of their product safety legal requirements.

*Further information is provided in this section.*

## Competition

### Ukraine Crisis



The CCPC published a reminder to all businesses on complying with competition law when setting their prices amid the Ukraine crisis.

### Public Procurement Ireland Conference



The CCPC was the key note speaker at the 2022 annual conference, where our presentation focused on bid-rigging in public procurement.

### Institute of Public Administration



The CCPC carried out three presentations on cartels and bid-rigging as part of the Institute of Public Administration (IPA) Certificate in Public Procurement.



<sup>4</sup> The guidelines for businesses published in 2020 and 2022 by the CCPC were developed to support businesses to understand their legal responsibilities. They are not intended to meet the business guidelines requirements set out in Section 90 of the Consumer Protection Act 2007 and cannot be considered legal advice.

### Consumer Protection

#### Consumer Rights Act



As part of the commencement of the legislation, the CCPC published information for businesses to assist them in complying with the new requirements for selling products, services, digital services and unfair contract terms.

#### Amending Product Pricing Regulations



As part of the commencement of the legislation, the CCPC published guidance on price reduction announcements and issued 175 letters to businesses outlining the new requirements.

#### Platform to Business Regulation



The CCPC actively engaged with 24 online platforms on the Platform to Business (P2B) Regulation. Our work resulted in improved compliance with the Regulation.

#### Car Crime



Following a series of unannounced inspections, the CCPC published warnings to car traders in Munster, Cavan, Monaghan, Mayo and Sligo highlighting their obligations under consumer protection law. The CCPC published a guide to explain the enforcement process to consumers when they complain to the CCPC.

#### Ukraine Crisis



The CCPC published a reminder to all businesses on complying with consumer protection law when setting their prices amid the Ukraine crisis.

#### Consumer Protection Queries



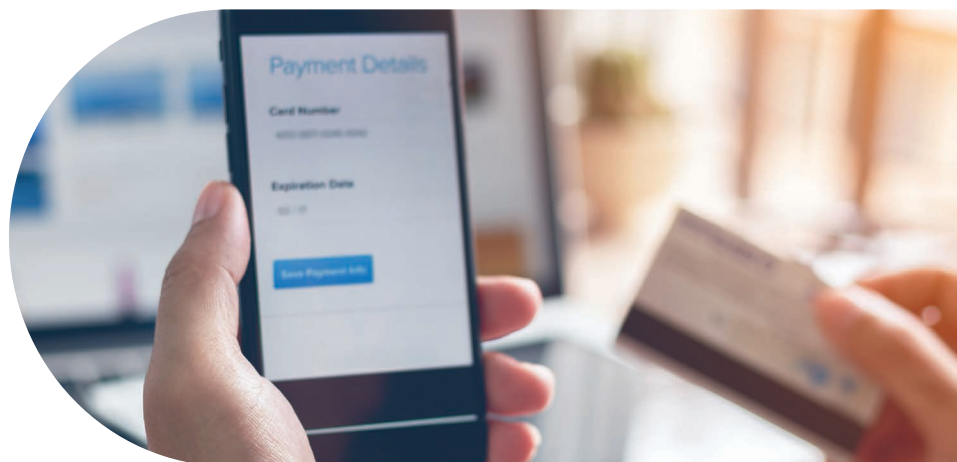
The CCPC responded to 84 queries from businesses to address a wide range of consumer protection matters. This included both meeting with businesses and responding to their written queries.

### Product Safety

#### Product Safety Queries



The CCPC engaged with 37 businesses to support their understanding of product safety and facilitate improved compliance. This included both meetings with businesses and responding to their written queries.



### Delivering the Strategy Statement 2021-2023

CCPC activity from the last year of the Strategy Statement 2018-2020 is the baseline for the Strategy Statement 2021-2023.

### Strategy Measure: Increased number of inspections and compliance sweeps.

The CCPC carried out 191 inspections in 2020 and 605 inspections in 2022. The business compliance inspections in 2022 covered unannounced visits to business and retail premises, online sweeps and inspections with Customs.

In 2022, key consumer protection activities included a market-monitoring exercise of the price display practices of 277 fuel stations and 20 unannounced visits to car traders. The CCPC completed 76 instore inspections on compliance with the Amending Product Pricing Regulations. A total of 50 online inspections were carried out, which resulted in 141 breaches being rectified out of a total of 194.

The CCPC's product safety work in 2022 included 128 physical inspections and 54 online inspections of products. Costumes, toys and electrical products were also inspected as part of a Halloween and Christmas safety focus.

*Further information is provided in this section.*

### Competition



The CCPC issued six warning letters to businesses reminding them of their obligations under competition law.

### Consumer Protection

#### Instore Inspections



The CCPC carried out 76 inspections of businesses and petrol stations across the country, to assess their compliance on unit pricing and the Amending Product Pricing Regulations.

#### Online Inspections



The CCPC carried out online inspections of 50 businesses, where 194 breaches of a wide range of consumer protection law were identified. The CCPC engaged with the businesses on their obligations and 49 businesses were re-inspected. At the end of 2022, 141 of the breaches were rectified and 47% of businesses were either fully or semi compliant.

#### Fuel Prices



The CCPC carried out a market monitoring exercise on the price display practices of 277 fuel stations as part of the CCPC's response to the Cost of Living Crisis.

#### Car Crime



The CCPC carried out 20 inspections of car traders across the country. These traders were the subject of complaints to the CCPC or we were acting on information from stakeholders in the sector. The CCPC was assisted during the searches by the Garda National Economic Crime Bureau.



## Car Rental Intermediaries



The CCPC reviewed the websites of four car rental intermediary service providers in Ireland, as part of an EU wide sweep to assess compliance with consumer protection requirements. The sweep was an ongoing investigation at the end of 2022.

## Dark Patterns<sup>5</sup>



The CCPC reviewed 16 websites in Ireland as part of an EU wide sweep on dark patterns. The investigation was closed in 2022.

## WhatsApp



The CCPC commenced a coordinated action with the Swedish Consumer Agency (Konsumentverket) and the European Commission to address concerns on how WhatsApp updates its Terms of Service and Privacy policy.

## Product Safety

### Instore and Online Inspections



The CCPC carried out 54 online and 128 physical inspections of products in 2022. Our physical inspections increased by 91% compared to 2021. This work included sending 41 products to laboratories for product safety testing.

### Halloween Safety



The CCPC inspected the Halloween costumes of 14 retailers in Mullingar, Athlone and Kilkenny. This resulted in the immediate withdrawal from sale of two unsafe products. We gave each retailer a checklist of their obligations under the Toy Safety Regulations.

## Christmas Safety



The CCPC inspected 42 products for compliance in the Christmas market on Dublin's Henry Street, with a focus on toys and electrical products. We gave product checklists to the traders detailing their main obligations.

## Product Safety Reviews



The CCPC received 146 product safety complaints and referrals in 2022. We opened and investigated 46 cases and closed 26 cases following voluntary compliance by the business.



<sup>5</sup> Dark patterns are design elements that deliberately obscure, mislead, coerce and/or deceive website visitors into making unintended and possibly harmful choices.

## Delivering the Strategy Statement 2021-2023

CCPC activity from the last year of the Strategy Statement 2018-2020 is the baseline for the Strategy Statement 2021-2023.

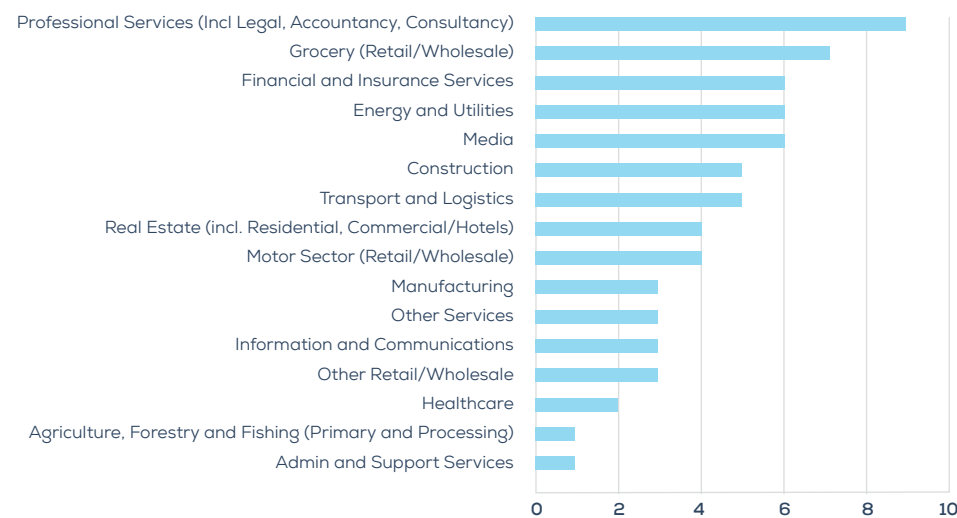
### Strategy Measure: Improved average timeframe for Phase 1 merger review decisions.

The average processing time for Phase 1/No commitments mergers was 19 days in 2020 and 17.9 days in 2022. The Simplified Merger Notification Procedure supported the CCPC to reduce the timeframe for merger decisions in 2022.

Seventy merger determinations were issued by the CCPC in 2022. A total of 18 investigations required an extended Phase 1 review and a further seven were Phase 2 investigations. One proposed acquisition, NaviCorp by Uniphar, was prohibited on the grounds that it would substantially lessen competition.

*Further information is provided in this section.*

## 2022 MERGERS - NUMBERS BY SECTOR



- Sixty-eight merger notifications were received by the CCPC in 2022. Seventy merger determinations were issued by the CCPC in 2022. The Simplified Merger Notification Procedure (SMNP) accounted for 55% of these determinations.
- The number of complex mergers assessed by the CCPC continued to increase. They accounted for 25% of the determinations in 2022, where 18 investigations required an extended Phase 1 review and a further seven were Phase 2 investigations.
- The CCPC prohibited the proposed acquisition of NaviCorp by Uniphar, on the grounds that it would substantially lessen competition.
- Four merger notifications were withdrawn following CCPC concerns about the completeness of the information provided by the parties.

- The proposed acquisition of Misty Lane was abandoned by East Cork Oil following the CCPC's preliminary conclusion that it would likely result in a substantial lessening of competition in certain geographic markets.
- The CCPC cleared four merger notifications with commitments to address competition concerns:
  - Synch Payment Joint Venture (AIB, Bank of Ireland, PTSB)
  - Bank of Ireland/Certain Assets of KBC
  - Tesco Ireland/Joyce's Supermarkets
  - BWG/McCarrick Brothers Wholesale



### SEPA



To support consumers switching their current account due to the exit of Ulster Bank and KBC, the CCPC wrote to 77 businesses in the telecoms, energy, waste sectors reminding them of their SEPA obligations.

### Alternative Dispute Resolution



The CCPC submitted a report to the European Commission in 2022 providing an overview of the activities of the four Alternative Dispute Resolution (ADR) entities notified to the CCPC from 2018 to 2021. The ADR Directive is currently under review by the European Commission and the CCPC is engaging in this process as part of its membership of the ADR working group.

### Credit Intermediaries



As part of the CCPC's credit intermediary responsibilities, we issued 910 credit intermediary authorisations in 2022 along with three licences for pawnbrokers.





## STRATEGIC GOAL 2

We will empower consumers to make informed decisions by providing information about their rights, personal finance and product safety.

Strategic goal 2 activities focus on delivering:



Increased engagement with consumers using all of our communications channels and programmes.



Increased social media reach and engagement.



Increased organisational awareness (consumers and businesses).



### Delivering the Strategy Statement 2021-2023

CCPC activity from the last year of the Strategy Statement 2018-2020 is the baseline for the Strategy Statement 2021-2023.

### Strategy Measure: Increased engagement with consumers using all of our communications channels and programmes.

The helpline was contacted by 43,642<sup>6</sup> consumers in 2020 and by 32,431<sup>7</sup> consumers in 2022. In 2020, the helpline experienced a significant spike in demand due to the impact of Covid-19. The helpline volumes in 2022 reflect that the pandemic is no longer a key driver of contacts.

A total of 58% of queries were related to the top five categories. Faulty Goods and Services was the top category, with 5,469 queries in total, and was primarily driven by issues with second-hand cars.

Personal finance products and services accounted for 9% of the CCPC's overall contacts in 2022. Mortgages and Equity Release was the top personal finance category, which was primarily driven by callers looking for information on applying for a mortgage.

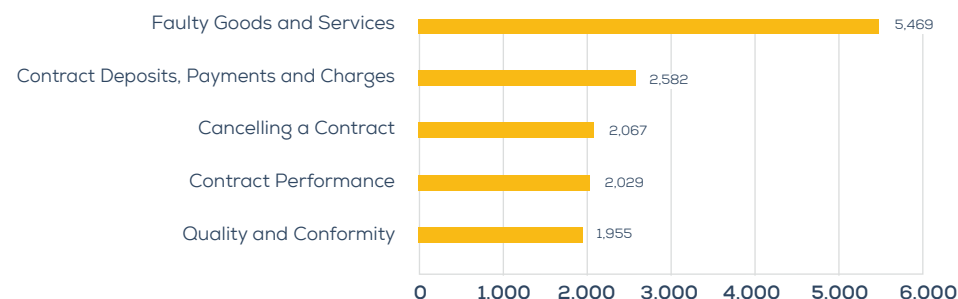
*Further information is provided in this section.*

### Helpline



The CCPC helpline supports consumers by providing them with information on consumer rights and personal finance products. The helpline sends complaints that are potential breaches of the law to our Enforcement Divisions to inform their ongoing activities.

### HELPLINE - TOP CONSUMER QUERIES



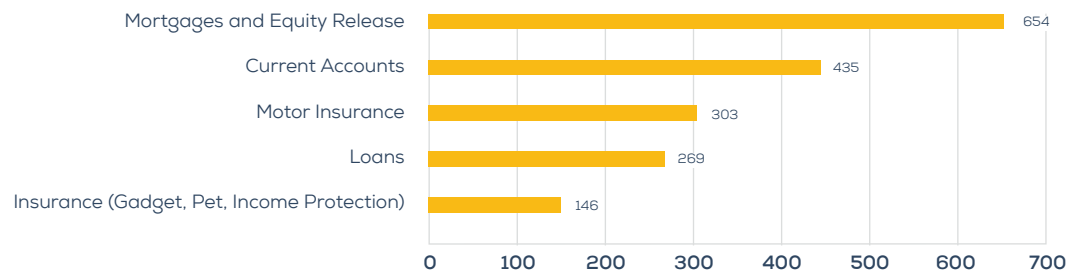
The top five categories represented 58% of the total contacts to the helpline in 2022. The top category was Faulty Goods and Services, which was primarily driven by issues with second-hand cars.



<sup>6</sup> 43,642 represents the CCPC's estimate of the number of cases created in 2020 based on the 48,603 contacts to the helpline in 2020.

<sup>7</sup> CCPC procedures for recording helpline contacts received via email were modified in 2021, meaning that consumers who send multiple emails to the CCPC on the same topic are now classified as one contact only. Previously, all emails received were recorded as contacts. Applying the previous method of recording email contacts, there were 8,306 email contacts recorded in 2022 contributing to an overall total of 37,225 contacts.

### HELPLINE - TOP PERSONAL FINANCE QUERIES



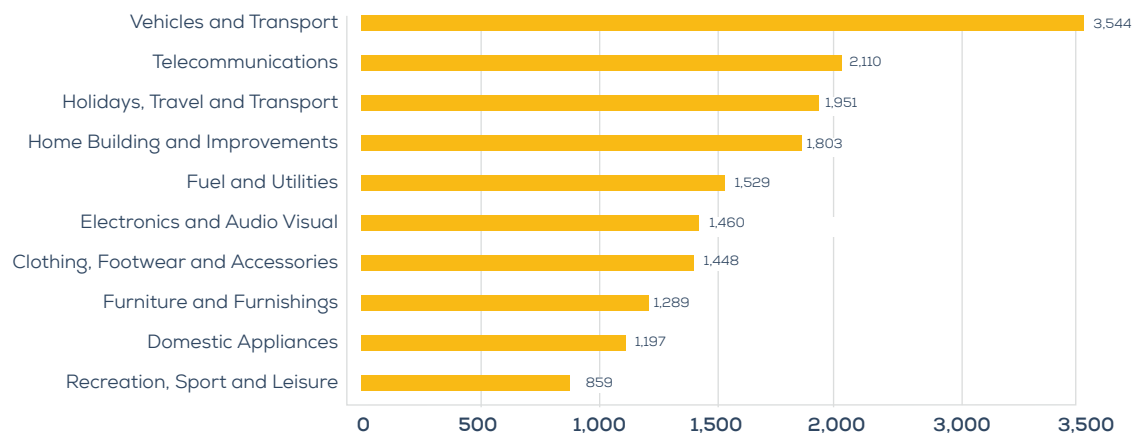
Personal finance products and services accounted for 9% of our overall contacts in 2022. The top category was Mortgages and Equity Release, which was primarily driven by callers looking for information on applying for a mortgage.

### FEEDBACK FROM CALLERS TO OUR HELPLINE.

"Your comprehensive response went way beyond my expectations. I will pursue the matter with the business, as you advised and beyond if necessary."

"Your response is outstanding - unusual at any time but especially these days. You should be commended for your thoroughness and commitment."

### HELPLINE - TOP SECTORS HIGHLIGHTED BY CONSUMERS



The top ten categories represented 70% of the total contacts to the helpline in 2022. The top category was Vehicles and Transport, which was primarily driven by issues with faulty and second-hand cars.



### Delivering the Strategy Statement 2021-2023

CCPC activity from the last year of the Strategy Statement 2018-2020 is the baseline for the Strategy Statement 2021-2023.

#### Strategy Measure: Increased engagement with consumers using all of our communications channels and programmes.

The number of visits to ccpc.ie was 1,940,556 in 2020 and 2,184,940 in 2022. The CCPC achieved this growth in website traffic by continually refreshing content, improving the user experience and reaching a high ranking with search engines. Subscriber numbers to the CCPC online newsletter also increased from 6,836 in 2020 to 8,492 in 2022. The open rate for the newsletter in 2022 was 46%, which is well above the average open rate of 19.4%.

In 2022, CCPC Money Tools continued to be the most popular section of the website, with 794,974 visits, and 675,194 uses. During the year, 23 new web pages were created and 65 news stories were published on an ongoing basis to update the public about their consumer rights and provide them with personal finance information.

*Further information is provided in this section.*

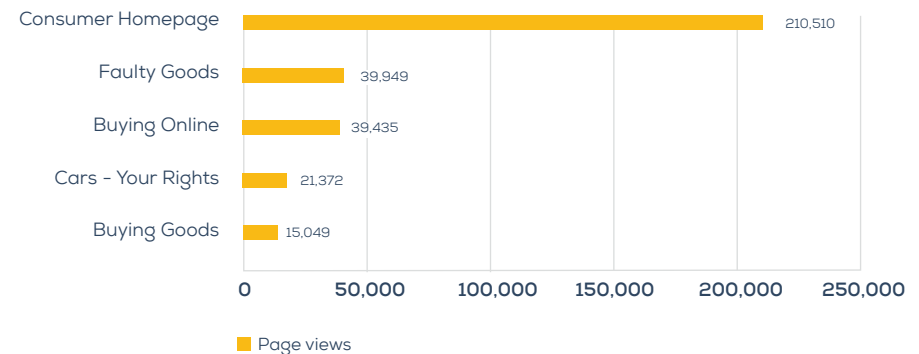
## Engaging with Consumers

### Website



The CCPC provides a wide range of online information on consumer rights and personal finance. This includes informing consumers about their rights when they buy goods and services. Our Money Tools help consumers find financial products that are the best fit for them. Our online Money Tools calculators support consumers to track their finances and manage their money.

#### CONSUMER RIGHTS - TOP WEBPAGES

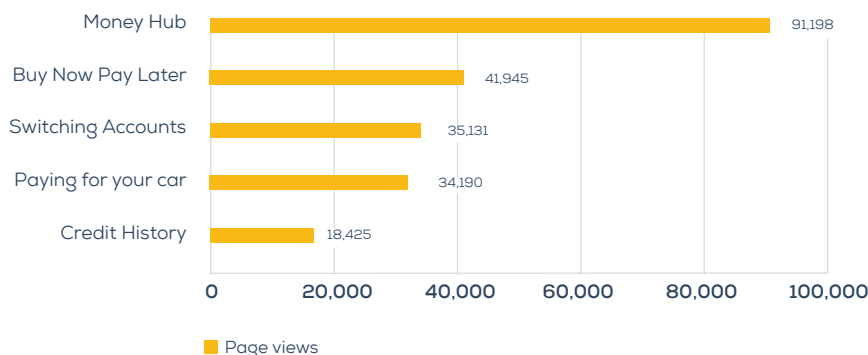


The CCPC created 14 new web pages to reflect the changes that occurred to consumer rights during the year. This included creating a new Consumer Rights section, so consumers can quickly understand their new and stronger rights under the Consumer Rights Act 2022.

We published 37 news stories to keep consumers informed across a wide range of areas. The top five news stories were:

- Consumer Rights Act
- Your rights when a business does not take cash
- What are my rights if I miss a flight?
- Hiring a tradesperson
- Pricing and the law in Ireland

### PERSONAL FINANCE - TOP WEBPAGES



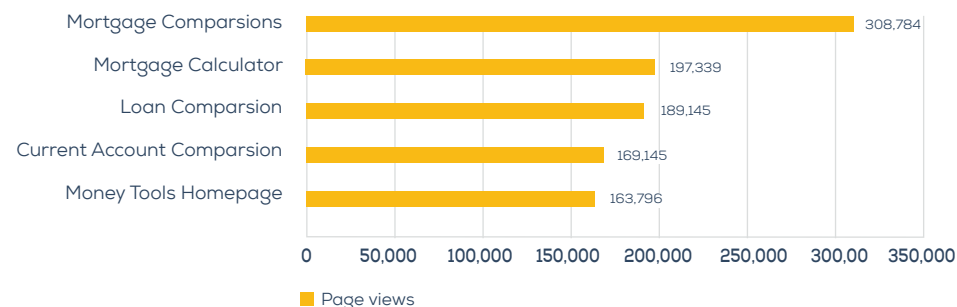
In 2022, the CCPC created nine new personal finance web pages for our Money Hub. This included developing a new Moving Bank section for the Ulster Bank and KBC current account customers switching to a new provider during the year. We published 28 news stories on personal finance matters.

Our top five personal finance news stories were:

- How to switch credit card
- Why should I buy travel insurance?
- Current account switching research
- Breaking up with your bank?
- Have you set up a pension yet?

There were 11,080 views of the CCPC's personal finance video library, an increase of 30% from 2021. During the year, we created three explainer cryptocurrency videos for our website covering 'Understanding Crypto', 'Volatility in Crypto' and 'Crypto Scams'. We updated our Buy Now Pay Later (BNPL) website content with two explainer videos, 'What is BNPL?' and 'BNPL Fees and Charges'. The BNPL videos were produced in cooperation with the Department of Finance and Central Bank of Ireland as part of the Ireland for Finance Action Plan.

### MONEY TOOLS - TOP WEBPAGES



The CCPC Money Tools continue to be the most popular section of our website with 794,974 visits, and 675,194 uses in 2022. Money Jar, bunq, Revolut and CUSOP<sup>8</sup> Credit Unions (known as MYCU) were added to the current account tool as new providers. Revolut was also added to the personal loan tool. In 2022, 40% of the products on Money Tools were removed due to the exit of Ulster Bank and KBC from the retail banking sector.

### CCPC Newsletter and FAQ Friday

The open rate for the CCPC's monthly online consumer newsletter was 46%, which is well above the average open rate benchmark of 19.4% for the public/political sector<sup>9</sup>.

Our top five articles in 2022 were:

- Your rights if a business doesn't accept cash
- Why should I buy travel insurance?
- Hiring a tradesperson
- What if I miss my flight with airport delays?
- What do I need to know before booking a holiday?

The CCPC published a FAQ Friday article each month that covered the topics consumers most frequently asked us about. The top five articles in 2022 were:

- What do I need to know before booking a holiday?
- What are my rights if my luggage is lost or delayed?
- What are my rights when returning goods?
- Where can I start with managing my money better?
- What are my options if my home is underinsured?

<sup>8</sup> CUSOP (Payments) Limited provides a single payments platform where participating Credit Unions can provide electronic payment services to their members. CUSOP is a not for profit organisation which is authorised and regulated by the Central Bank of Ireland.  
<sup>9</sup> Campaign Monitor 2022 Email Marketing Benchmarks Report.

### Delivering the Strategy Statement 2021-2023

CCPC activity from the last year of the Strategy Statement 2018-2020 is the baseline for the Strategy Statement 2021-2023.

### Strategy Measure: Increased social media reach and engagement.

In 2020, the CCPC carried out 11 campaigns using social media channels. These campaigns reached 21,029,353 consumers on social media and 3,096,457 consumers engaged with them. In 2022, the CCPC carried out seven campaigns using social media channels. These campaigns reached 13,580,064 consumers on social media and 1,830,121 consumers engaged with them.

The Money Tools campaign recorded the most visits to the CCPC website at 65,271, the Current Account Switching campaign had the highest social media reach at 3,330,003; and the How to Be Good with Money campaign had the most social media engagement at 692,459.

The CCPC carried out 13 media campaigns in 2022 covering a wide range of consumer protection, personal finance and product safety areas. Key campaigns included Current Account Switching, Pension Planning, Black Friday, Baby Nests and Sleep Bags, GAA Helmets and Baby Self-feeding Pillows.

*Further information is provided in this section.*

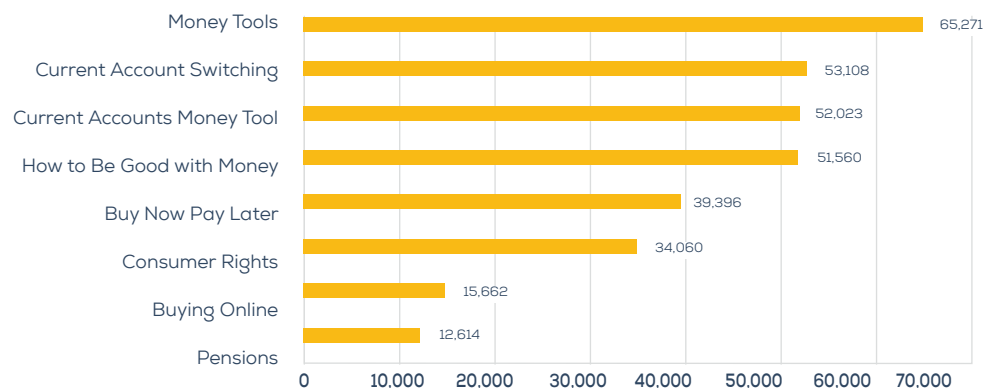
### Consumer Campaigns



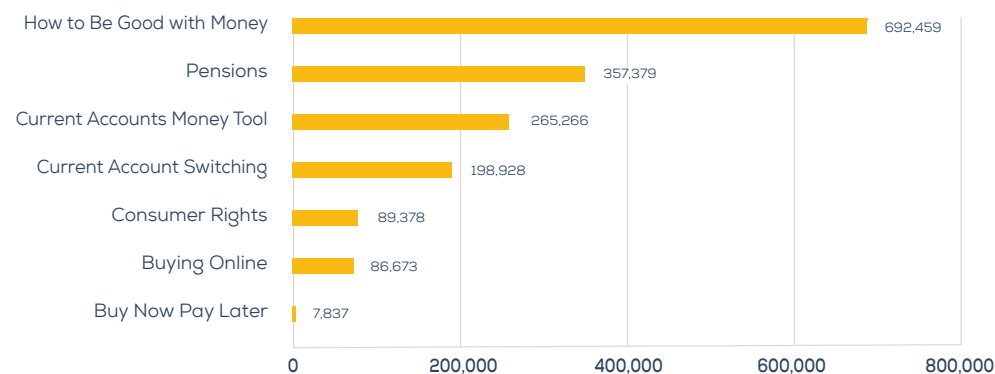
The CCPC carried out eight campaigns in 2022, where we used radio and/or social media channels to reach our target audience. We highlighted that consumers should visit [ccpc.ie](https://ccpc.ie) to find out more information. These visits accounted for 13% of the traffic to the CCPC website in 2022.

CAMPAIGN	TIMESCALE	KEY MESSAGE
<b>CONSUMER RIGHTS</b>		
<b>Consumer Rights</b>	July	To inform consumers that they have rights if they have a problem with a purchase.
<b>Buying Online</b>	November/December	To inform consumers that they have rights if they have a problem with an online purchase.
<b>PERSONAL FINANCE</b>		
<b>Money Tools</b>	January	To promote the CCPC's Money Tools as free, impartial and easy to use for consumers who want to manage their money better.
<b>How to Be Good with Money</b>	January/February	To promote the information on the CCPC's Money Hub and the CCPC's personal finance role during Series 4 of RTÉ One's <i>How to Be Good with Money</i> TV programme.
<b>Current Accounts Money Tool</b>	May/June	To let Ulster Bank current account holders know they can use the CCPC Money Tool to find another provider.
<b>Current Account Switching</b>	August/September	To let Ulster Bank and KBC current account holders know that the information in CCPC's Switching Hub covers what they need to know about setting up a new current account.
<b>Pension Planning</b>	September	To explain key pension terms so the public are better informed about pensions.
<b>Buy Now Pay Later</b>	November/December	To tell consumers what they should know before they use this financing option for purchases.

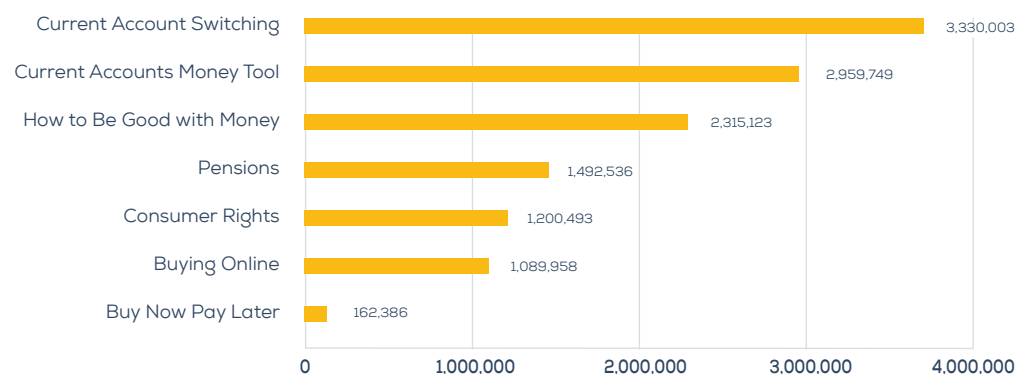
## CONSUMER CAMPAIGNS IMPACT - VISITS TO CCPC.IE



## CONSUMER CAMPAIGNS - SOCIAL MEDIA ENGAGEMENT<sup>11</sup>



## CONSUMER CAMPAIGNS - SOCIAL MEDIA REACH<sup>10</sup>



<sup>10</sup> This metric does not apply to the Money Tools campaign, as radio was the only media channel used to drive website visits to the CCPC's Money Tools landing page.

<sup>11</sup> This metric does not apply to the Money Tools campaign, as radio was the only media channel used to drive website visits to the CCPC's Money Tools landing page.

## Media Engagement



The CCPC carried out 47 national interviews and 27 regional interviews across a range of areas during 2022. Our activity included 13 media campaigns to highlight information on topical areas and issues.

## 2022 MEDIA CAMPAIGNS

CAMPAIGN	TIMESCALE	KEY MESSAGE
<b>CONSUMER RIGHTS</b>		
<b>January Returns and Faulty Goods</b>	January	To inform consumers of their rights for post-Christmas returns and faulty presents.
<b>World Consumer Rights Day</b>	March	To highlight consumers rights across several key areas, including shopping online, faulty goods, travel and how to make a complaint.
<b>Black Friday</b>	November	To drive awareness of the new price reduction regulations with business and ensure consumers are aware of their new consumer rights and protections.
<b>Consumer Guide to Christmas</b>	December	To provide top tips to consumers on managing their finances, navigating online shopping and what to do if things go wrong.
<b>PERSONAL FINANCE</b>		
<b>Current Account Switching</b>	July and November	To provide essential information to Ulster Bank and KBC consumers to assist them to switch their current account provider.
<b>Pension Planning</b>	September	To highlight the importance of having a pension and promote the CCPC's step by step guide to set one up.
<b>Financing Christmas</b>	December	To help consumers manage their finances at Christmas and highlight what consumers need to be aware of when using credit, including Buy Now Pay Later.
<b>PRODUCT SAFETY</b>		
<b>Baby Nests and Sleep Bags</b>	April	To inform consumers about the potential dangers of baby nests and certain baby sleep bag products.
<b>Halloween Product Safety</b>	September	To warn consumers of the dangers of unsafe Halloween costumes for children and to help them know what to look out for when buying costumes.
<b>GAA Helmets</b>	October	In partnership with the Gaelic Athletic Association (GAA), to warn consumers of the risks of unsafe GAA helmets and to highlight key safety tips to know when buying one.
<b>Baby Self-feeding Pillows</b>	December	To explain to consumers that they should not buy a baby self-feeding pillow and what they should do if they have one.
<b>Unsafe Electrical Chargers</b>	December	To warn consumers about the recall of 40,000 unsafe chargers and advise the safety checks to do before buying an electrical charger.

### Delivering the Strategy Statement 2021-2023

CCPC activity from the last year of the Strategy Statement 2018-2020 is the baseline for the Strategy Statement 2021-2023.

### Strategy Measure: Increased social media reach and engagement.

The CCPC had 44,198 social media followers in 2020 and 51,621 in 2022. The CCPC grew its social media audience by publishing content with images, videos and interactive tools on a regular basis, across a broad range of topics.

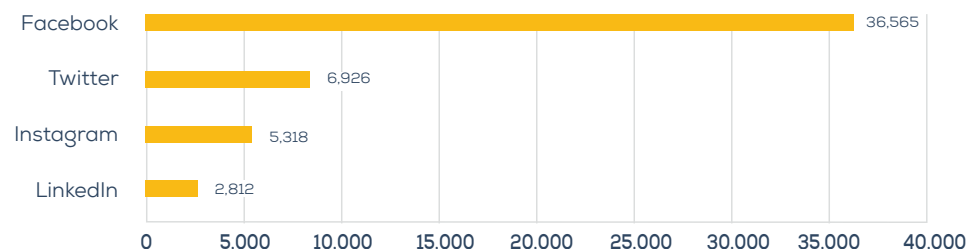
Facebook was the most popular platform in 2022 with 36,565 CCPC followers. The posts with the most social media engagement reflected the CCPC's diverse remit and covered competition law, mergers and consumer rights.

*Further information is provided in this section.*

## Engaging with Consumers

### Organic Social Media

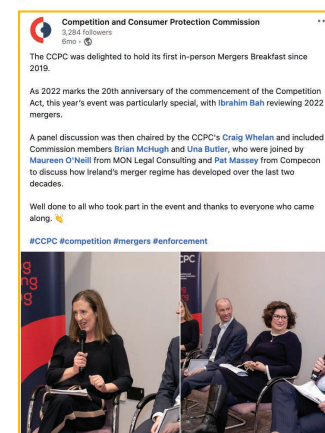
#### 2022 CCPC SOCIAL MEDIA FOLLOWERS - BY PLATFORM



#### 2022 SOCIAL MEDIA ENGAGEMENT - TOP THREE POSTS



EU Competition Law Conference



CCPC Mergers Breakfast



Consumer Rights Act 2022



### Delivering the Strategy Statement 2021-2023

CCPC activity from the last year of the Strategy Statement 2018-2020 is the baseline for the Strategy Statement 2021-2023.

### Strategy Measure: Increased engagement with consumers using all of our communications channels and programmes.

The number of attendees at the CCPC's financial education presentations/talks was 1,056 in 2020 and 1,546 in 2022. The increase was due to the resumption of the in-person delivery of the CCPC's talks in addition to the remote delivery option. There was also an increase in demand from consumers for financial information following Covid-19.

*Further information is provided in this section.*

### Money Matters



Money Matters is the CCPC personal finance course for second-level students, which can be taught to support the Junior Cycle Business Studies or Home Economics curriculum requirements. The Money Matters website had 38,088 page views in 2022 and the Money Matters videos were viewed 660 times. The videos are typically played in a classroom setting, which means that up to 20,000 students watched them.

In 2022, the CCPC created four new videos for the Ábhair Airgid section of our Money Matters website on:

- Riachtanais agus Mianta
- Acmhainní agus Ioncam
- Caiteachas
- Ag Cruthú Buiséid

### Money Skills for Life



The CCPC's Money skills for life programme (Msfl) provides impartial, independent information on a range of financial topics. Msfl talks are delivered by our volunteer Qualified Financial Advisors in the workplace, to community groups and other organisations. In 2022, we delivered 41 talks to 1,546 attendees.

### ATTENDEE FEEDBACK ON MSFL TALKS

"I love the Spending Diary and use it for myself and my husband as well as the Income and Expenditure Check."

"After attending the talk, I plan to shorten my car loan and pay off my mortgage earlier."

### RTÉ One's *How to Be Good with Money*



The CCPC sponsored Series 4 of RTÉ One's *How to Be Good with Money* programme, where financial planner, Eoin McGee, gives practical money management information to households to achieve their goals.

To date, 10,896,000 viewers have watched Series 1 to 4, and Series 4 performed strongly in 2022:

- 2,689,700 viewers watched the eight episodes
- An average of 336,213 viewers watched each episode
- The programme achieved an average audience share of 19%
- 359,984 visits to ccpc.ie occurred during the programme





## STRATEGIC GOAL 3

We will be a leading voice in representing the interests of consumers and promoting competition.

Strategic goal 1 activities focus on delivering:



Increased number of completed market studies and research projects.



Engagement with stakeholders to progress recommendations from the CCPC's market studies and research projects.



Input to Government policy development, legislation and initiatives, where appropriate, and responses to consultations.



Constructive engagement with other National Competent Authorities.



### Delivering the Strategy Statement 2021-2023

CCPC activity from the last year of the Strategy Statement 2018-2020 is the baseline for the Strategy Statement 2021-2023.

### Strategy Measure: Increased number of completed market studies and research projects.

The CCPC published two reports in 2020 and nine reports in 2022. In 2020, the CCPC focused on an in-depth review of the public liability insurance market and the first wave of a three-year research project on the impact of Covid-19 and Brexit on consumer behaviour.

Key pieces of work in 2022 included *Analysis of the Irish Fuel Market* and *Online Behaviour - Influencer Marketing*. The findings from the CCPC's behavioural trials with the ESRI, *Combining Nudges and Boosts to Increase Precautionary Saving*, were published. A range of other research was carried out in 2022 to understand consumer behaviour in different markets to inform the work of the CCPC. They included Current Account Switching, Pension Planning, Black Friday Sales and Christmas Shopping.

*Further information is provided in this section.*

## Market Focus

### Fuel Prices



The CCPC examined the retail motor fuel sector following complaints from the public after the Government announced a temporary reduction of excise duty charged on petrol and diesel. The CCPC found that the higher prices at the pumps before the excise duty cut were due to rising international prices rather than a lack of competition. International evidence indicates that excise cuts take time to work through a market and are often not seen immediately. The CCPC concluded that careful communication of expectations and market realities is required when introducing these types of measures.

### Social Media Influencer Marketing



The CCPC study examined consumer engagement with social media influencer marketing that took account of upcoming changes in the regulatory landscape. The CCPC found that consumers in Ireland overestimate their ability to identify influencer marketing, Irish influencers are inconsistent in labelling market content, and 25% of respondents who bought a product recommended by an influencer subsequently felt misled.

The CCPC recommended that the guidance on regulating influencer marketing is strengthened; influencers, brands and agents are educated on their legal responsibilities; platforms inform their users on influencer marketing and facilitate appropriate labelling and the reporting of misleading advertising content; and enforcement is actively pursued by the relevant authorities. The CCPC will work with stakeholders to deliver on these recommendations.

### Savings Products



The CCPC published the findings from our behavioural trials with the Economic Social Research Institute (ESRI) on investigating ways to encourage consumers to actively save. The research shows that applying behavioural science to customer communications and the design of application forms can increase the uptake of savings accounts by over 25%.

The CCPC and ESRI developed a guide for savings providers on using the recommendations to develop savings products to encourage savings that support consumers well-being.

### Consumer Focus

#### Current Account Switching



The CCPC completed two waves of research on the behaviours and experience of consumers who had to switch their current account due to the departure of Ulster Bank and KBC. The findings informed consumer and media campaigns during the year to support consumers to find a new current account provider.

#### Pension Planning



The CCPC's research highlighted that 38% of adults do not have a pension plan in place for retirement. The findings supported a media campaign to promote our step by step guide on setting up a pension plan for consumers.

#### Covid-19 and Brexit



The CCPC completed the final wave of our multi-year research on the impact of Covid-19 and Brexit on consumer's awareness and behaviours while shopping online. The findings showed that the growth in online shopping with Irish-based websites post-Brexit is continuing, with 44% buying more from these websites in the past year alone. 25% of respondents are purchasing more from local businesses than before the pandemic. Unexpected costs (e.g. customs charges) and delayed delivery were the most common issues experienced by consumers who purchased from GB-based websites post-Brexit.

#### Black Friday Sales



Consumer behaviours and intentions were measured ahead of the Black Friday sales. The research found that just under 40% of consumers were planning to shop during the sales, where price and discounts will be a key factor in making a purchase. The findings informed our messaging for a Black Friday media campaign on consumer rights.

#### Christmas Shopping



Consumer behaviours and intentions were measured ahead of the Christmas shopping season. The research found that 68% of consumers intended to use their savings to fund their Christmas shopping, while 24% planned to use some form of borrowings. Consumers also expected to spend 20% more than in 2021 due to price increases. The CCPC used the findings to inform our messaging for a Christmas shopping campaign for consumers.

#### Consumer Inertia



The CCPC continued our research into the impact of consumer inertia by examining the prevalence of certain pricing practices in a range of regulated markets in Ireland. In 2022, we reviewed the research data and concluded our stakeholder engagement. We will publish our findings in 2023.

#### Consumer Detriment



The CCPC began research into consumer detriment in Ireland and we will publish the results in 2023.

### Enforcement Focus

#### Platform to Business



The CCPC carried out a survey in 2022 to learn more about the experience of businesses that offer goods or services to consumers through online platforms. The findings will be published in 2023 and will support better enforcement outcomes as part of the implementation of the Platform to Business regulation.

### Merger Focus

#### Home Heating Oil and Waste Sector



The CCPC conducted two separate pieces of research on consumer behaviour in the regional home heating oil market and the waste sector to support the CCPC's merger work.

## A Voice for Competition and Consumer Protection

### Delivering the Strategy Statement 2021-2023

CCPC activity from the last year of the Strategy Statement 2018-2020 is the baseline for the Strategy Statement 2021-2023.

#### Strategy Measures:

**Stakeholder engagement to progress recommendations from the CCPC's market studies and research projects. Input to Government policy development, legislation and initiatives, where appropriate, and responses to consultations.**

In 2022, the CCPC continued to advocate for the implementation of the recommendations and findings from the CCPC's market studies, policy initiatives and research projects. This included providing an in-depth submission to the Department of Finance Retail Banking Review and successfully working to implement the Hamilton Review recommendations on bid-rigging.

In 2022, the CCPC had 225 interactions with Government Departments to support policy change. This engagement focused on new policy regulation with a significant impact on consumers and open competitive markets. Key areas covered in 2022 included financial education, product safety, digital regulation and legal reform.

*Further information is provided in this section.*





## Engaging with Legislation

### Digital Markets Act and Digital Services Act



The EU negotiations on the Digital Markets Act and Digital Services Act were completed in 2022. Both proposals aim to create a safer and more open digital space, and establish a level playing field to foster innovation, growth and competition. During the year, the CCPC supported Ireland's negotiations at the European Council through our ongoing engagement with the Department of Enterprise, Trade and Employment on the proposals.

### Representative Actions Directive



This new legislation will introduce collective redress for consumers in Ireland. The CCPC welcomed the new legislative proposals at our appearance at the Joint Oireachtas Committee for Enterprise, Trade and Employment. We offered views on how qualified entities that take representative actions for consumers can be empowered to ensure speedy and effective redress.

### General Product Safety Regulation



The CCPC provided detailed observations on the new Regulations, with a focus on measures that provide stronger obligations on economic operators along the supply chain for online safety. The final legislation will be published in 2023, when we will work with the Department of Enterprise, Trade and Employment on its implementation into Irish law.

### General Scheme of the Agricultural and Food Supply Chain Bill 2022<sup>12</sup>



The CCPC provided its experience on implementing the Grocery Goods Regulations to support a smooth transition of these functions to the new Office of Fairness and Transparency in the Agri-Food Supply Chain<sup>13</sup>.

At our appearance before the Joint Oireachtas Committee on Agriculture, Food and the Marine, we stressed the importance of safeguarding confidentiality for complainants who allege breaches of the law, and shared our enforcement experience to support the development of the proposed measures outlined in the Bill.

### Foreign Subsidies Regulation



This legislation aims to counteract market-distorting foreign subsidies from non-EU countries to companies operating in the EU. The CCPC engaged with the Department of Enterprise, Trade and Employment (DETE) on Ireland's negotiating position during 2022. The CCPC will work with DETE on the implementation of the new rules when they come into force in 2023.

### European Commission Reviews



The CCPC engaged with two reviews in which we have a role – the Consumer Protection Cooperation Regulation 2017/2397 and the Alternative Dispute Resolution Directive 2013/11. In addition, the CCPC engaged with the study by the Commission on the Payment Services Directive II 2015/2366.

### Engagement with other Legislation



The CCPC engaged with Departments, regulators and the European Commission on a wide range of legislation and policy proposals impacting on competition, consumer protection and product safety during 2022.

This included the European Accessibility Act, the Data Act, the Data Governance Act, the Toy Directive, the Gambling Regulation Bill, the Road Traffic Bill and ComReg's strategy on over-the-air provisioning for mobile phones.

<sup>12</sup> The General Scheme of the Agricultural and Food Supply Chain Bill 2022 will transpose the Unfair Trading Practices Directive.

<sup>13</sup> The CCPC's enforcement responsibilities under the 2016 Grocery Goods Regulations ceased in March 2022.

## Advocates for Change

### Retail Banking Review



The CCPC provided a detailed submission to the Department of Finance (DoF) Retail Banking Review. Our response was informed by a concern about competition issues due to the exits of Ulster Bank and KBC, where consumers will be harmed in terms of price, levels of service and innovation.

The CCPC made a number of recommendations to promote competition and consumers' interests. We met with DoF to discuss our recommendations and we held a press briefing on our work. The report on the Retail Banking Review was published in November and the CCPC strongly supported its commitment to develop a national financial literacy strategy.

### Consumer Protection Code Review



The CCPC provided initial views at the Central Bank of Ireland (CBI) Roundtable in advance of the planned review of the CBI Consumer Protection Code in 2023.

We recommended that mortgage lenders be required to improve take up of cheaper offers by consumers and that the CBI switching code is reviewed on foot of the problems encountered by consumers when switching current accounts. We will make further policy recommendations in our submission to the CPC review in 2023.

### Bid-rigging



The CCPC continued to support the implementation of the bid-rigging recommendations of the Hamilton Review Group's *Review of Structures and Strategies to Prevent, Investigate and Penalise Economic Crime and Corruption*. The CCPC's work supported bid-rigging<sup>14</sup> being defined as a standalone cartel offence by the Competition (Amendment) Act 2022.

During the year, the CCPC brought a proposed system to detect and deter bid-rigging/tender collusion<sup>15</sup> to the Economic Crime and Corruption Forum. In 2023, the CCPC will assist relevant stakeholders on the required legislation for screening bid-rigging in public procurement.

### Financial Education



The CCPC made two submissions to the National Council for Curriculum Assessment (NCCA) on financial education. The first covered advocating to include financial education in the Aistear Curriculum for children from birth to the age of six.

Our second submission supported the proposed focus by NCCA on financial literacy in the Leaving Cert Business Studies Curriculum. We also made a submission to OECD on the review of the G20/OECD Principles on Financial Consumer Protection.

### Legal Services Reform



The CCPC made two submissions to the Legal Services Regulatory Authority. The first covered the creation of a new independent profession of conveyancer, which we strongly supported as a positive step on the reform of the sector and increased competition for consumers.

Our second submission covered the reform of education and training for legal professionals. We welcomed the establishment of an independent body to create standards for this type of training, which can strengthen competition by providing more pathways for admission to legal professions.

### Veterinary Services Reform



The CCPC supported the Higher Education Authority's calls for expressions of interest for a new third-level training institution for veterinary practitioners in Ireland.

This position reflected the CCPC 2008 report on competition in the veterinary profession, which highlighted that Ireland had only one third-level institution providing veterinary training and that there was a reliance on vets trained outside of Ireland.

<sup>14</sup> Recommendation 17: Amend competition law to create a specific offence of bid-rigging or, in the alternative, specify bid-rigging as an offence as a form of market sharing.

<sup>15</sup> Recommendation 18: Introduce legislation to enable the collection, collation and analysis of all public procurement data to detect and deter bid-rigging.

### Delivering the Strategy Statement 2021-2023

CCPC activity from the last year of the Strategy Statement 2018-2020 is the baseline for the Strategy Statement 2021-2023.

#### Strategy Measures:

**Constructive engagement with other National Competent Authorities (NCAs). Representing Ireland at meetings of relevant EU and international working groups, forums and conferences.**

The CCPC had 97 engagements with key national stakeholders in 2020 and 359 engagements in 2022. Key areas of focus included exchanging best practice and improving cooperation to develop new regulatory positions, where consumers were represented. The highlights in 2022 included digital regulation, bid-rigging and the development of a Safety Gate National Plan.

The CCPC had 113 engagements with key international stakeholders in 2020 and 295 engagements in 2022. The CCPC participated on 142 occasions at groups and events in 2022, many in person for the first time in three years. The CCPC developed 41 submissions in 2020 and 82 submissions in 2022 to international surveys and consultations. The CCPC focused on leading, collaborating and learning from international colleagues. The highlights in 2022 included the CCPC's key role in setting up an online Platform to Business Network and a co-lead role in the actions by the Consumer Protection Cooperation Network with social media platforms.

The CCPC delivered 21 presentations and speeches in 2020 and 45 in 2022, with a focus on informing a wide range of stakeholders about the work of the CCPC and building collaborative working relationships. In particular, the Chairperson and Members represented the CCPC's expertise at Joint Oireachtas Committees, the European Parliament and international events.

*Further information is provided in this section.*



## Stakeholder Engagement Highlights

### Digital Regulation



In 2022, the CCPC was a founding member of Ireland's first Digital Regulators Group (DRG)<sup>16</sup>. Its primary purpose is to develop strong cross-functioning communications between Regulators whose work has direct ramifications for Ireland's digital economy, so that current and future digital legislation is applied in a consistent and cohesive manner.

The CCPC and the DRG also engaged with international peers to inform our participation in the group and to benefit from similar experiences in other jurisdictions. During the year, we welcomed the publication of the National Digital Strategy and we continued to engage quarterly with the Government's Digital Issues Senior Officials Group.

### Bid-rigging



In 2022, the CCPC's active involvement in the Economic Crime and Corruption Forum and the Advisory Council against Economic Crime and Corruption ensured that bid-rigging as a cartel offence was prioritised. The CCPC also presented to the Office of the Chief State Solicitor and Irish Water on public procurement and bid-rigging.

### Safety Gate National Plan



The CCPC is the National Contact Point for Safety Gate, which is the EU rapid alert system for certain dangerous products. In 2022, the CCPC published a national plan to assist the 19 market surveillance authorities (MSAs) in Ireland to meet their legal responsibilities.

### Platform to Business



The CCPC led the establishment of an online pan-European Platform to Business (P2B) network to promote greater consistency in the application of the P2B regulation and achieve better outcomes. The first meeting was held in December 2022.

### Consumer Protection Cooperation (CPC) Network



The CCPC acted as co-lead with the Swedish Consumer Agency (Konsumentverket), in two coordinated actions on the WhatsApp and TikTok social media platforms.

### SEPA



The CCPC engaged with the Central Bank of Ireland to share our knowledge and experience as competent authorities for different areas of SEPA<sup>17</sup>. This cooperation supported our work in achieving business compliance for business-to-consumer transactions in 2022.

### Criminal Investigation Group



The CCPC organised and chaired three sessions in 2022. The group is a solutions-based resource for investigators at State Agencies to exchange best practice.

### OECD Review



The CCPC provided a submission to the OECD's Structural Mission as part of its biennial review of the Irish economy. The priorities we highlighted covered public procurement bid-rigging, the retail banking sector and digital regulation. The final report was published in December.

<sup>16</sup> Members of the Digital Regulators Group - Data Protection Commission, Competition and Consumer Protection Commission, Commission for Communications Regulation, Coimisiún na Meán.

<sup>17</sup> S.I. No. 132 of 2013, the European Union (Requirements for Credit Transfers Direct Debits in Euro) Regulations 2013 as amended by S.I. No. 204 of 2016, the European Union (Requirements for Credit Transfers and Direct Debits in Euro) (Amendment) Regulations 2016, commonly referred to as "the SEPA regulation".

## Significant Stakeholder Engagement

In 2022, the CCPC had 654 engagements with national and international stakeholders to contribute to relevant policy and legislative developments, cooperate on enforcement and exchange best practices. The areas where we had significant engagement with key stakeholders are provided below.

AREAS (A-Z)	STAKEHOLDER
<b>Agriculture, Food and the Marine</b>	Department of Agriculture, Food and the Marine Department of Enterprise, Trade and Employment
<b>Artificial Intelligence</b>	Department of Enterprise, Trade and Employment Directorate-General for Competition
<b>Banking, Insurance and Financial Services Policy</b>	Central Bank of Ireland Department of Enterprise, Trade and Employment Department of Finance Financial Services Union Office to Promote Competition in Insurance (Department of Finance) Personal Injuries Assessment Board
<b>Brexit</b>	Consumer and Markets Authority (UK) Department of Enterprise, Trade and Employment Directorate-General for Competition Directorate-General for Justice and Consumers Internal Market and Consumer Protection Committee (EU Parliament)
<b>Cartels</b>	American Bar Association Cartel Working Groups of the European Competition Network Criminal Investigation Group International Competition Network Office of the Director of Public Prosecutions

## Stakeholder Engagement

AREAS (A-Z)	STAKEHOLDER
<b>Competition Policy</b>	<p>Competition and Markets Authority (UK)</p> <p>Department of Enterprise, Trade and Employment</p> <p>International Competition Network</p> <p>Malaysia Competition Commission (MyCC)</p> <p>National Competitiveness and Productivity Council</p> <p>OECD Competition Law and Policy Committee</p>
<b>Consumer Protection Policy</b>	<p>Department of Enterprise, Trade and Employment</p> <p>Directorate-General for Justice and Consumers</p> <p>International Consumer Protection Enforcement Network</p> <p>North-South Consumer Organisations Working Group</p> <p>OECD Committee on Consumer Policy</p> <p>United Nations Conference on Trade and Development</p>
<b>Digital Regulation and Data Protection</b>	<p>Australian Competition and Consumer Commission</p> <p>Broadcasting Authority of Ireland</p> <p>Commission for Communications Regulation (ComReg)</p> <p>Competition and Markets Authority (UK)</p> <p>Data Protection Commission</p> <p>Department of Enterprise, Trade and Employment</p> <p>Department of the Environment, Climate and Communications</p> <p>Digital Regulators Group</p> <p>Digital Regulation Cooperation Forum (UK)</p> <p>Economic Regulators Network</p> <p>Senior Officials Group on Digital Issues (Department of the Taoiseach)</p>
<b>European Legislation and Policy Development/ Cross Border Cooperation</b>	<p>Competition and Markets Authority (UK)</p> <p>Consumer Protection Cooperation Network</p> <p>Danish Competition and Consumer Authority</p> <p>Department of Enterprise, Trade and Employment</p> <p>Directorate-General for Competition</p> <p>Directorate-General for Justice and Consumers</p> <p>Irish legal practitioners</p> <p>Office for Product Safety and Standards (UK)</p> <p>Office of the Parliamentary Counsel to Government</p> <p>Swedish Consumer Agency (Konsumentverket)</p>

AREAS (A-Z)	STAKEHOLDER
Financial Wellbeing and Education	Bank of Ireland Central Bank of Ireland Centre for Co-Operative Studies (UCC) Department of Finance Economic and Social Research Institute (ESRI) Financial Conduct Authority (UK) Institute of Banking (IOB) Irish Banking Culture Board Junior Cycle for Teachers (JCT) Junior Achievement Ireland (JAI) KBC Money Advice and Budgeting Service (MABS) Money and Pensions Service (UK) National Adult Literacy Agency (NALA) National Council for Curriculum and Assessment (NCCA) OECD Financial Education Technical Committee Revolut Ulster Bank
Housing Policy	Department of Enterprise, Trade and Employment Department of Housing, Local Government and Heritage The Housing Agency
Legal Services	Department of Justice Legal Services Regulatory Authority
Mergers	Competition and Markets Authority (UK) European Competition Network Merger Working Group Luxembourg Competition Council Luxembourg Ministry of Economy



## Stakeholder Engagement

AREAS (A-Z)	STAKEHOLDER
<b>Platform to Business Regulation</b>	<p>Compliance Institute            Department of Enterprise, Trade and Employment            Directorate-General for Justice and Consumers            Enterprise Ireland            European Commission E-Commerce Expert Group            European Platform to Business Authorities (Belgium, Denmark, Germany, France, Netherlands and Romania)            IBEC            Local Enterprise Offices (LEOs)            Retail Ireland</p>
<b>Product Safety</b>	<p>Department of Enterprise, Trade and Employment            National Market Surveillance Authorities            North Macedonian Market Surveillance Officials            Office for Product Safety and Standards (UK)            Polish Customs            Polish Office of Competition and Consumer Protection            Swedish Customs            Swedish Electricity Safety Board            The Office of the Revenue Commissioners (Customs)</p>
<b>Public Procurement Bid-rigging</b>	<p>Department of Enterprise, Trade and Employment            Department of Justice            Economic Crime and Corruption Forum            National Advisory Council            OECD Competition Committee            Office of Government Procurement</p>
<b>Representative Actions/Collective Redress</b>	<p>Department of Enterprise, Trade and Employment</p>
<b>Retail Fuel</b>	<p>Department of the Environment, Climate and Communications            Irish Petrol Retailers Association            Sustainable Energy Authority of Ireland</p>
<b>Social Media Influencers/Online Advertising</b>	<p>Advertising Standards Authority for Ireland            Broadcasting Authority of Ireland            Department of Enterprise, Trade and Employment            Media Literacy Ireland            Online Platforms</p>
<b>Veterinary Services</b>	<p>Higher Education Authority            Veterinary Council of Ireland</p>

## International Engagement

In 2022, the CCPC participated on 142 occasions with a wide range of working groups/fora in the EU and elsewhere. We also gave 45 speeches and presentations as part of our collaborative approach with key stakeholders. The key groups and events the CCPC attended are provided below.

GROUP/EVENT (A-Z)	KEY TOPICS
<b>Advisory Committees on Product Safety</b>	Toys, Low voltage, Gas, Personal Protective Equipment (PPE)
<b>Consumer Dialogue Conference</b>	EU consumer agenda, Digital regulation, Empowering consumers in the green transition
<b>Consumer Protection Cooperation (CPC)</b>	Coordinated actions, Cross border enforcement and alerts, Dark commercial patterns, Alternative dispute resolution, European Consumer Centre, e-Enforcement (best practice and peer to peer learning), Social media influencer marketing
<b>Coordinated Activity on Safety of Products (CASP)</b>	Travel adaptors, Chemicals in toys, Magnets in toys, Online market surveillance, Risk assessment, Street markets
<b>CNECT e-Commerce Expert Group</b>	Application of the Platform to Business (P2B) Regulation
<b>Criminal Investigation Group</b>	Search operations, Evidence handling, Data and evidence exchange, File preparation, Going to court
<b>European Competition Network (ECN)</b>	Revision of the notice on market definition, Digital Markets Act, Revision of the horizontal block exemption regulation, Revision of the vertical block exemption, Chief Economist Group, Cost of living/inflation (Food subgroup, Energy subgroup, Financial services subgroup, Pharma, International cooperation)
<b>ECN Cartels Working Group</b>	Leniency, No poach, Information sharing, Interaction between criminal and administrative cartel enforcement
<b>ECN Digital</b>	Digital investigations, Digital Markets Act subgroup
<b>ECN Mergers</b>	Mergers
<b>e-Enforcement Group</b>	Best practice consumer protection enforcement
<b>European Commission Digital Investigations and Artificial Intelligence Working Group</b>	Digital evidence, Digital forensics, Best practices, Dawn raids
<b>International Consumer Protection and Enforcement Network (ICPEN) Best Practices Workshop/Working Groups</b>	Enforcement of pyramid promotional schemes, Effective internet sweeps, Tackling deceptive online review practices, Greenwashing, Misleading environmental claims

GROUP/EVENT (A-Z)	KEY TOPICS
<b>ICPEN Pyramid Promotional Schemes</b>	Enforcement pathways and sanctioning policies, Education and information empowerment
<b>Internal Market and Consumer Protection Committee (IMCO)</b>	Upholding consumer rights when shopping outside the EU
<b>International Competition Network (ICN)</b>	Anti-cartel enforcement in the next decade, Bid-rigging in public procurement, Regulatory and competition law tools in digital markets, Advocacy
<b>International Product Health and Safety Organisation Conference</b>	General Product Safety Regulation
<b>International Product Safety Week</b>	Market surveillance, Product safety new risks, Effective product safety enforcement
<b>Market Surveillance Conference</b>	Market Surveillance Regulation revision, National market surveillance strategies, Market surveillance in the digital age, Border controls
<b>Malaysia Competition Commission (MyCC) Conference</b>	Economic impact of digital economy disruption, Industry and regulatory perspectives on mergers and acquisitions, Bid-rigging
<b>North-South Consumer Organisations Working Group</b>	Brexit and Covid-19 research, Divergence in consumer rights and protection, Consumer detriment, Influencer marketing, Research and consumer campaigns, Rising prices, Buy now pay later schemes
<b>OECD Competition Committee</b>	Market power in the digital economy, Disentangling consummated mergers, Country developments on regulatory initiatives in the digital sector, Director disqualification as form of deterrence for competition law breaches and data screening tools, Digital transformation of public procurement
<b>OECD Consumer Policy Committee</b>	Personalised pricing, Consumer detriment, Misleading environmental claims, Dark patterns
<b>OECD International Network on Financial Education (INFE)</b>	Financial literacy, Capability and wellbeing best practice and research
<b>Platform to Business (P2B) Network</b>	Founding member of pan-European network to facilitate cooperation between P2B authorities and the European Commission



## STRATEGIC GOAL 4

We will continue to invest in our people, governance and infrastructure, continuously improving in a changing workplace environment.

Strategic goal 4 activities focus on delivering:



The benefits and effectiveness of our supporting strategies.



Successful completion of internal and external audits and addressing recommendations.



Growth in capability and expertise through representing Ireland at meetings of relevant EU and international working groups, international forums, conferences and networks.





### Delivering the Strategy Statement 2021-2023

CCPC activity from the last year of the Strategy Statement 2018-2020 is the baseline for the Strategy Statement 2021-2023.

#### Strategy Measures:

**The benefits and effectiveness of our supporting strategies. Delivery of a workplace plan taking into account remote working.**

The CCPC's focus on staff development included supporting 123 learning events in 2020 where 145 events were organised in 2022. An international framework was developed and the implementation of the CCPC ICT strategy continued in 2022. A hybrid working pilot was carried out as part of the CCPC's preparations to develop an agile policy and workforce plan in 2023. Wellbeing continued as a focus in 2022 and over 20 events were organised to support physical and mental health of staff.

The CCPC's staff retention rate was 92.5% in 2020 and 79% in 2022. The CCPC's retention in 2022 is in line with HR 2022 retention benchmark of 78-80%, which reflects the strong demand that exists for employees in the jobs market.

*Further information is provided in this section.*

## Workplace Best Practice

### Corporate Focus

#### Building Capacity



The CCPC filled 57 positions, through our online recruitment drive. At the end of the year we had 145 staff, an increase of 13.5% from 2021. Our continued growth was reflected in the creation of a standalone Cartels Division to deliver investigations on breaches of competition law for bid-rigging, price fixing and market sharing cartels.

We started scaling up the Organisational Development/Human Resources Unit to a Division, so that it is equipped to provide strategic and operational support to the CCPC. We also started a review of our Consumer Protection structure to deliver on legislative changes and improve consumer outcomes. This work will be completed in 2023.

#### ICT Strategy 2021-23



The key initiatives in 2022 included delivering a range of IT supports for agile working and restructuring the ICT Unit to meet the CCPC's wide ranging business requirements. In 2022, the CCPC started work on our first data strategy, which will be finalised in 2023.

#### International Framework



In 2022, the CCPC finalised an international framework to coordinate our international activity with an ambition to lead, collaborate and learn within our widespread international activities.

#### Brand Strategy



In 2022, the CCPC started a review of our brand identity so it can better support the communication of our remit to key audiences. We will complete this work in 2023.

### Work Environment

#### Agile Working



In 2022, an agile working policy was piloted with staff, which coincided with staff returning to the office in line with Covid-19 Public Health guidance. The pilot involved introducing a range of supports to deliver an agile environment for staff. Feedback from staff surveys and listening groups and the learnings to date will inform the development of a final policy in 2023.

#### Professional Development



The CCPC supported 145 learning events with 1,560 attendees, 27 advance-of-fees applications and 153 individual coaching sessions. Key development areas in 2022 covered leadership, team building, performance management and project management. Bespoke training events included product safety and investigative interviewing.

#### Wellbeing



The CCPC's Wellbeing Committee organised over 20 events to support the mental and physical health of our staff. This included Wellbeing Wednesday events, where the topics included sleep hygiene, menopause and positive thinking. During the return to the office, the Committee organised events to bring staff together while also supporting charities and the local community. During the year, the CCPC raised €1,203 for Saint Vincent de Paul, the Switchboard and Goal.

#### Green Agenda



In 2022, the CCPC supported a range of initiatives to become more environmentally friendly. This included the Reduce Your Use Campaign, agreeing actions to support a Climate Action Roadmap and lowering the CCPC's use of energy.

The CCPC reports our energy management and performance data to the Sustainable Energy Authority of Ireland (SEAI) on an annual basis<sup>18</sup>. The provisional 2022 SEAI data shows that we delivered 78.6% in energy savings since the baseline year (2009), which is 57.3% better than the 2030 target. We also performed 15.7% better than 2021 on energy efficiency. The provisional SEAI data also indicates that we had a 58.3% reduction in greenhouse gas emissions from the baseline emissions.



<sup>18</sup> This is required by Statutory Instrument 426 of 2014.

### Delivering the Strategy Statement 2021-2023

CCPC activity from the last year of the Strategy Statement 2018-2020 is the baseline for the Strategy Statement 2021-2023.

#### Strategy Measure:

**Successful completion of internal and external audits and addressing recommendations.**

The CCPC is governed by a Commission that has overall responsibility for risk management. An internal audit programme is carried out each year by the Audit and Risk Committee. A total of 19 audits were completed from 2020 to 2022, which included six audits in 2022. To date, 71% of the 2020 audit recommendations and 79% of the 2021 audit recommendations were implemented.

During 2022, the CCPC continued to ensure that it complied with all relevant legislation, which included data protection, freedom of information, prompt payments; and ethics, standards and behaviours.

*Further information is provided in this section.*

## Governance Best Practice

### The Commission



The CCPC is governed by a Commission that consists of a Chairperson and four full-time Members. The Chairperson is responsible for the running of the organisation and corporate governance. The Chairperson is assisted in the leadership and management of the CCPC by the Members and other senior executives.

The Members of the Commission are appointed by the Minister for Enterprise, Trade and Employment, following an open Public Appointments Service competition, for a term not exceeding five years.

BOARD MEMBER	ROLE	TERM STARTED/ENDED
Jeremy Godfrey	Chairperson	Term ended 12 February 2023
Patrick Kenny	Member	Term renewed 10 January 2022
Brian McHugh	Member	Term renewed 1 September 2022
Úna Butler	Member	Term started 10 January 2022
Kevin O'Brien	Member	Term started 22 August 2022



The Commission meets at least twice a month to review CCPC activities, provide direction and strategic guidance in particular areas and make formal decisions.

The matters reserved for decision by the Commission include:

- Approving annual budgets, corporate plans, annual reports, financial statements and strategy statements
- Approving policies covering finance, procurement, risk, human resources, codes of conduct and conflicts of interest
- Approving major contracts, investments, capital projects and borrowing money
- Approving the appointment of staff, their terms and conditions of service and remuneration
- Making a determination that a merger may/may not be put into effect
- Starting civil proceedings on a breach of Sections 4 or 5 of the Competition Act 2002 or Articles 101 or 102 of the Treaty of the Functioning of the European Union
- Starting a prosecution for an offence as set out in the Consumer Protection Act 2007
- Referring a file to the office of the Director of Public Prosecutions (DPP) for involvement in an alleged cartel
- Making a recommendation to the DPP to grant or revoke conditional immunity for involvement in a cartel

Day-to-day organisational matters are managed through informal meetings, discussions and consultation between the Chairperson and the Members. As far as practical, operational decision-making is delegated to individual Members, Directors and other staff.

## Risk Management

### Overview



The Commission has overall responsibility for risk management, which includes determining the nature and extent of significant risks the CCPC will accept at a strategic and operational level. Risk management within the CCPC consists of a combination of:

- Quarterly reviews of Divisional Risk Registers and the Corporate Risk Register
- Risk incidents and near misses reporting by Directors, including mitigating actions
- Regular evaluations by internal audit
- Reporting to Audit and Risk Committee meetings on the top risks facing the CCPC and how they are actively managed
- Risk challenge meetings with Directors
- Reviews of risk management policies and procedures

### Audit and Risk Committee



The Audit and Risk Committee (ARC) supports the Commission on its responsibilities for risk, control and governance, and associated assurance. The ARC is independent in the performance of its functions. The ARC Charter and Terms of Reference sets out its roles and responsibilities.

The ARC work programme is guided by the obligations set out in the 2016 Code of Practice for the Governance of State Bodies (2016 Code). The ARC reports to the Commission after each meeting and formally, in writing, annually.

ARC membership during 2022 was Conor Blackwell (Chairperson), Brian McHugh, Carmel Foley, Jimmy Murphy (up to 22 June 2022) and Eilis Quinlan (from 12 October 2022). The ARC met four times in 2022, detailed in the table below.

Committee Member	Feb	May	Sept	Dec	Total
<b>Conor Blackwell</b> Chairperson	x	x	x	x	4/4
<b>Brian McHugh</b> Executive Member	x	x	x	x	4/4
<b>Carmel Foley</b> External Member	x	x	x	x	4/4
<b>Jimmy Murphy</b> External Member	x	-	n/a	n/a	1/2
<b>Eilis Quinlan</b> External Member	n/a	n/a	n/a	x	1/1

### Internal Audit



The internal audit function operates in accordance with the 2016 Code and reports to the ARC. The CCPC carried out the following reviews in 2022:

- Review of Effectiveness of Internal Controls
- Product Safety Advisory Review
- Money Tools Calculators (Validation)
- Policy and International Division
- Risk Management (At Divisional Level)
- Follow-up review on the recommendations from previous internal audit reviews



## Public Body Compliance

### Data Protection



The CCPC has a suite of internal policies to ensure our ongoing compliance with the Data Protection Act 2018 and the EU General Data Protection Regulation (GDPR). Our website has detailed privacy notices to enable all those who engage with us to understand how we treat any personal data we process, and understand how they can exercise their data protection rights.

### Ethics, Standards and Behaviour



CCPC staff with designated directorships or designated positions of employment submitted Statements of Interest in 2022 as required by ethics legislation. In addition, the CCPC's Code of Conduct sets out the principles, standards and values that all CCPC staff are expected to adhere to.

### Freedom of Information



In 2022, the CCPC received seven Freedom of Information (FOI) requests. Of these, one was granted, one was part-granted, two were refused and three were withdrawn/handled outside the FOI legislation.

### Health and Safety



The CCPC introduced a new Safety Statement in 2022 based on a complete risk assessment of the office and functions of the CCPC. Fire safety and health and safety audits were reinstated when staff returned to the office during 2022.

A number of staff were trained as display screen equipment assessors in accordance with health and safety legislation, and onsite ergonomic assessments recommenced in July. Training was also delivered on manual handling, first aid and fire warden responsibilities.

### Official Languages Act 2003



The implementation of the CCPC's Language Scheme under the Official Languages Act 2003 continued in 2022.

### Oversight/OPDA



A written Oversight and Performance Delivery Agreement (OPDA) is in place between the CCPC and our parent Department, Department of Enterprise, Trade and Employment (DETE), which clearly defines the terms of the relationship. In 2022, four formal OPDA meetings between the CCPC and DETE officials took place.

### Prompt Payments



The CCPC complies with the Prompt Payment of Accounts Act 1997 and the European Communities (Late Payment in Commercial Transactions) Regulations 2002. In 2022, 86% of our payments were made within 15 days and a further 12% were made within 30 days. Payments made outside of 30 days accounted for 2% of the CCPC's total payments. The payments made over 30 days were mainly under query, apart from one where interest and penalties of €41.04 was paid. The CCPC's Prompt Payment Returns are published on our website.

### Protected Disclosures



The CCPC is required under Section 22 of the Protected Disclosures Act 2014 to publish an annual report on the number of protected disclosures we received in the preceding year and the action we took on them. No such disclosures were received in 2022.

### Public Spending Code



The CCPC has complied with all of the requirements of the Code of Practice for the Governance of State Bodies 2016. The CCPC has put in place robust financial management, monitoring, and control mechanisms, underpinned by the Public Financial Procedures set out by the Minister for Public Expenditure and Reform. The CCPC is satisfied that it has adhered to the relevant principles, requirements, and guidelines of the Public Spending Code and that it has consistently obtained the best possible value-for-money.

### Customer Service



The CCPC Quality Customer Service Manager received one complaint from a consumer. The Ombudsman received one complaint about the CCPC, which was closed without further recourse. The CCPC Customer Action Plan 2021-2023 outlines the actions to continuously progress our commitments. These actions have associated performance indicators, which the CCPC performed effectively against in 2022.

### Finance

#### 2022 Financial Statements



The CCPC's budget allocation in 2022 was €19,953,275, where €17,118,000 was Exchequer funding and €2,835,275 was 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 report expenditure of €16,390,775 for Exchequer funded activities and €2,751,316 for Levy funded activities. The Office of the Comptroller and Auditor General will audit the CCPC's financial statements. The financial statements are prepared on the accruals basis of accounting, except for the Exchequer funding, which is prepared in accordance with generally accepted accounting principles.

#### Levy on Financial Services Providers



Over 99.9% of the total 2022 levy<sup>19</sup> amount imposed on financial service providers was successfully collected from 384 companies.

#### Remuneration



The Chairperson is a member of an unfunded defined benefit public sector scheme and his entitlements are in accordance with the terms of the relevant Public Service defined benefit superannuation scheme.

Commission expenses in 2022:

- Jeremy Godfrey: €12,303
- Patrick Kenny: €356
- Brian McHugh: €1,364
- Úna Butler: €898
- Kevin O'Brien: €1,256
- Conor Blackwell: €0



<sup>19</sup> The CCPC can 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).



**APPENDICES**

## Appendix 1: Organisation Chart

The CCPC is governed by an Executive Chairperson and Commission. Our organisation chart reflects the membership of the Commission and the Divisions in place in 2023. Each member oversees a number of Divisions in the CCPC on behalf of the Commission.

### OUR STRUCTURE



**Patrick Kenny**  
Interim Chairperson

Legal  
Services

Product  
Safety



**Úna Butler**  
Member

Cartels

Digital  
Investigations

Human Resources  
and Organisational  
Development



**Brian McHugh**  
Member

Competition  
Enforcement  
and Mergers

Policy, Research  
and International



**Kevin O'Brien**  
Member

Consumer  
Protection and  
Enforcement

Communications

Corporate  
Services

### Consumer Protection List 2022

The Competition and Consumer Protection Commission (CCPC) strives to improve consumer welfare across the economy by promoting compliance with, and enforcing where necessary, over 40 legislative instruments, including consumer protection law. The Consumer Protection Act 2007 (CPA) provides a range of enforcement measures to help the CCPC achieve business compliance with consumer protection law, escalating from engagement, to administrative action, to criminal prosecution.

When an enforcement action has been taken, the CCPC is required to keep and maintain a Consumer Protection List (CPL) which details companies and individuals who have been subject to the following enforcement actions under the CPA:

- A fine or other penalty has been imposed by a court.
- A prohibition order has been made.
- An undertaking has been given.
- A compliance notice has taken effect.
- A fixed payment notice has been paid.

The CPL contains the names and addresses of the relevant companies and individuals together with a description of the trade, business or profession and any other details the CCPC considers appropriate. In addition to the enforcement actions detailed in the CPL, the CCPC undertakes a range of activities to increase business compliance with consumer protection law.

In 2022, the following consumer protection enforcement actions were completed:

- Three traders, in counties Carlow, Dublin and Meath, were prosecuted in court.
- Fifteen compliance notices were served on traders in counties Clare, Donegal, Dublin, Kerry, Meath and Wexford.
- Seventeen fixed payment notices were served on traders in counties Cork, Dublin, Limerick and Kerry.

The Consumer Rights Act 2022 (CRA) commenced in November 2022. This new legislation brought about a number of positive changes, including stronger consumer rights, protections and remedies across a number of key areas. The enforcement actions stemming from the CRA will feature in future Consumer Protection Lists.



### 2022 Highlights

#### Online Shopping

Online shopping remains a priority area for the CCPC and we monitor trader compliance with consumer protection legislation both online and in store. Throughout 2022, our Authorised Officers conducted 50 online inspections and 49 online re-inspections to assess businesses' compliance with various pieces of legislation including Online Dispute Resolution, Consumer Rights Directive and e-commerce regulations. 194 breaches of consumer legislation were identified.

141 of these breaches were rectified through engagement with traders. Eight compliance notices related to online shopping were issued where traders failed to rectify issues following engagement by the CCPC. The compliance notices were issued to traders who had provided inaccurate or misleading information to consumers about their rights and who had not provided the correct cancellation period.

Consumers were encouraged to learn more about their rights in a Black Friday information campaign featured on TV, cinema, online and on social media. The information campaign resulted in over 15,000 visits to our website, ccpc.ie.

#### Second-hand Car Traders

Buying a car is usually one of the most expensive purchases a consumer will make and consumer protections are particularly important. When buying a second-hand car, consumer safety is also a particular concern. Consumer protection laws don't just prevent consumers from losing their money; they also help protect consumers from dangerous products, including vehicles.

Under consumer protection law, it is an offence for traders to give false, misleading or deceptive information about the history of a car.

Unless otherwise stated, a motor trader should complete due diligence, including car history checks, before making a car available for sale to a consumer. Consumers should be told if the car was previously involved in a car crash, was recorded as an insurance 'write off', or displays the wrong mileage.

Over 2022, the CCPC carried out a series of unannounced inspections in Cavan, Cork, Kerry, Mayo, Monaghan and Sligo of car traders who were suspected of selling clocked or previously crashed cars and had been the subject of multiple complaints to the CCPC. Search warrants were also executed as part of criminal investigations into a number of traders suspected of offences of misleading commercial practices.

Two car dealers brought to court by the CCPC were found to have misled consumers about the history of the second-hand cars they were selling.

- In March 2022, **Fergus O'Donnell of Inclusive Car Sales, Park West Industrial Park, Dublin 12** was found to have advertised and sold a car with an incorrect ownership history and mileage which was understated by approximately 5%.
- Also, in March 2022, **Anthony Behan of Ratoath, Co. Meath** was found to have engaged in a misleading commercial practice by asserting that the car had not been previously crashed when he sold it to the consumer.

A trader cannot falsely claim or create the impression that they are acting in a personal rather than a business capacity when selling a car. Known as 'disguised traders', this is most commonly seen in online advertisements and it is illegal.

- In July 2022, **Jordan Black from Co. Carlow** was found to have misled a consumer who purchased a car from him in this way.

The CCPC helpline also provided information to 3,544 consumers who contacted us in relation to vehicle and transport matters.



### Consumer Protection Enforcement Measures Under The Consumer Protection Act

#### Fixed Payment Notice



A fixed payment notice (FPN) is a set fine of €300 that the CCPC can issue to a trader if they don't display prices properly or fail to provide certain required information to a consumer. A FPN can also be issued in some cases if a consumer is charged extra or is not refunded properly. A FPN must be paid within 28 days.

More than one FPN may be issued to a trader. Failure to pay a FPN is an offence that may be prosecuted by the CCPC [s.85 CPA]. The level of FPN available to the CCPC is expected to increase in 2023 following the introduction of the Consumer Rights Act in 2022, which amends the Consumer Protection Act 2007.

#### Undertaking



An undertaking is a formal written agreement between the CCPC and a trader where a trader agrees to take certain actions.

Undertakings can include an agreement to take action to address a breach of the law. That agreement could include actions such as publishing a corrective statement or paying compensation to a consumer [s.73 CPA].

#### Compliance Notice



A compliance notice (CN) is a written legal notice that the CCPC can issue to a trader who has committed a prohibited act or practice or is currently committing a prohibited act or practice. The CN tells the trader that they have to fix the issue and make things right. A trader can appeal a CN to the District Court within 14 days. If a trader does not carry out the instructions in the CN they will be breaking the law and can be taken to Court [s.75 CPA].

#### Prohibition Order



A prohibition order is a legal order that is issued by the Circuit Court or the High Court to a trader to tell them not to do something that is illegal under the CPA.

Under Section 71 of the CPA, any person, including the CCPC, can apply to the Circuit Court or High Court for a Prohibition Order.

#### Prosecution



A prosecution is when the CCPC take a trader to court because they have broken the law set out in the CPA. Prosecuting a trader who has broken the law is the ultimate sanction available to the CCPC. A trader can be issued with high fines and even a jail sentence. If convicted, the trader can also have to pay the cost of the CCPC taking the case to Court.

### List Of Enforcement Actions 2022

#### Prosecutions

**Total number of prosecutions concluded in 2022: Three**

##### Relevant Legislation

Engaging in a misleading commercial practice prohibited under section 42 and as described by section 43(2) and 43(3)(b)(vi) contrary to section 47 of the Consumer Protection Act 2007.

**Fergus O'Donnell of Inclusive Car Sales, Park West Industrial Park, Dublin 12**, a trader operating as a second-hand car dealer, was found to have engaged in a misleading commercial practice by advertising and selling a car with an incorrect ownership history and mileage which was understated by approximately 5%.

The case concerned the sale of a 2010 Fiat 500, by Fergus O'Donnell of Inclusive Car Sales, to a consumer on 1 July 2017 for €5,350. The car was advertised for sale on DoneDeal.ie on 18 May 2017.

Following the purchase of the car, the car broke down while the consumer was driving. The consumer brought it to a mechanic who identified issues with the vehicle, namely problems with the power steering. The car was found to have an ownership history which had not been accurately advertised or disclosed and, in addition, the mileage of the vehicle was found to be understated by approximately 5%.

On 10 March 2022, Fergus O'Donnell pleaded guilty in the Dublin Metropolitan District Court to engaging in a misleading commercial practice. Fergus O'Donnell compensated the consumer in full and paid €5,000 plus VAT (€6,150 total) towards the CCPC's costs of investigating, detecting and prosecuting the offence. Judge Halpin applied section 1(1) of the Probation of Offenders Act 1901.

##### Relevant Legislation

Engaging in a misleading commercial practice prohibited under section 42 and as described by section 43(2) and 43(3)(b)(vii) contrary to section 47 of the Consumer Protection Act 2007.

**Anthony Behan of Ratoath, Co. Meath**, a trader operating as a second-hand car dealer, was found to have engaged in a misleading commercial practice by asserting that a car had not been previously crashed when he sold it to the consumer. The case concerned the sale of a 2008 Mini One by Anthony Behan to a consumer on 25 September 2016.

The following year, the car developed faults and it emerged that the vehicle had been previously involved in a crash. The consumer was advised to take the car off the road. The consumer attempted to contact Mr. Behan about the crashed car and received no satisfaction. On 25 March 2022 Anthony Behan pleaded guilty in the Dublin Metropolitan District Court and was convicted of an offence contrary to section 47 of the Consumer Protection Act 2007 for a misleading commercial practice. Judge Halpin imposed a fine of €500. Anthony Behan paid €7,100 compensation to the consumer.

### List Of Enforcement Actions 2022

#### Relevant Legislation

Engaging in a misleading commercial practice prohibited under section 42 and as described by section 43(2) and 43(3)(b)(vii) contrary to section 47 of the Consumer Protection Act 2007. 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.

**Jordan Black, from Co. Carlow**, a trader operating as a second-hand car dealer, was found to have misled a consumer who purchased a car from him. Mr Black was convicted on charges of acting as a disguised trader and of misleading the consumer in relation to the mileage of the car.

The court heard that the CCPC opened an investigation following a complaint from a consumer who had bought a car from Mr Black. The consumer had purchased the car in question, an Opel Insignia, from a 'private seller' advertising on the DoneDeal.ie website. The consumer paid €4,200 for the car, which was seven years old at the time. While driving home after buying the vehicle, the consumer adjusted the odometer to display kilometres rather than miles, and discovered the actual mileage of the vehicle was 286,000 kms and not 178,000 kms, as he had been informed by Mr Black.

On 1 July 2022, Jordan Black was sentenced before Carlow District Court. He had earlier pleaded guilty on 8 December 2021 to two charges of engaging in a misleading commercial practice and engaging in a prohibited commercial practice concerning the sale of a car and operating as a disguised trader. Judge Power, in respect of the offence in which Mr Black deceived or misled the consumer as to the mileage of the vehicle, issued a €100 fine and ordered €2,500 compensation to be paid to the consumer. In relation to the disguised trader offence, Judge Power issued a €1,000 fine. The Court also directed that the sum of €2,000 be paid towards the CCPC's costs of investigating, detecting and prosecuting the offences.

### Compliance Notices Pursuant To Section 75 of the Consumer Protection Act 2007

**Total number of Compliance Notices that took effect: 15**

#### Relevant Legislation

Engaging in a misleading commercial practice as described by section 43(1) and 43(3)(c) of the Consumer Protection Act 2007 and thus committing an offence contrary to section 47 of the Consumer Protection Act 2007.

**Ryan Neary, trading as R Neary Motors, at Ballyellen Upper Inch, Gorey, Co. Wexford**, a trader operating as a second-hand car dealer. Mr Neary was found to have engaged in a misleading commercial practice by providing false information regarding a vehicle's usage or prior history. In 2020, Ryan Neary sold a BMW motor vehicle to a consumer. The consumer was not advised that the odometer reading was incorrect.

On 14 January 2022, the CCPC served a compliance notice on R Neary Motors and Ryan Neary, directing him to do the following:

- Provide true and accurate information in all communications, including advertisements, with or to consumers with respect to the usage and prior history of every motor vehicle advertised or offered for sale by him.
- Ensure that appropriate due diligence is carried out in respect of the history and usage of every motor vehicle offered for sale by him.
- Ensure that a record of the due diligence carried out on the history and usage is maintained for a period of three years from the date of the advertisement or the date of sale, whichever is later.

### List Of Enforcement Actions 2022

**Antanas Stankus of Foxlodge Woods, Ratoath, Co. Meath**, a trader operating as a second-hand car dealer. Mr Stankus was found to have engaged in misleading commercial practices by providing false information in relation to the usage or prior history of a motor vehicle; by omitting or concealing material information about two motor vehicles; and for making a representation or creating an impression that he was not acting for purposes related to his trade.

Mr Stankus placed several advertisements on DoneDeal.ie describing himself as a private seller. He subsequently sold three vehicles that had been previously crashed. He did not tell two of the consumers about the vehicles' prior history and provided false information to a consumer in respect of a third vehicle.

On 6 May 2022, the CCPC served a compliance notice on Mr Stankus of Foxlodge Woods, Ratoath, Co. Meath directing him to do the following:

- Make compensation to Consumer A in the amount of €800, Consumer B in the amount of €900 and Consumer C in the amount of €500.
- Provide true and accurate information in all communications, including advertisements, with or to consumers with respect to the fact that he is acting for purposes related to his trade, business or profession, and is not a private seller when advertising or offering motor vehicles for sale and in relation to the usage and prior history of every motor vehicle advertised or offered for sale.
- Ensure that appropriate due diligence is carried out in respect of the usage and prior history of every motor vehicle offered for sale and that a record of the due diligence is maintained for a period of three years.

**B&Q Ireland Limited, trading at B&Q, Airside Retail Park, Swords, Co. Dublin**, a trader operating a DIY and home improvement store. During an inspection of their premises, the CCPC found that the trader engaged in a misleading commercial practice by providing information that would be likely to mislead consumers in relation to the price of the product, namely

where the price displayed is lower than the price that is scanned and would be charged at the till and that this information would be likely to cause the average consumer to make a transactional decision that the average consumer would not otherwise make.

On 14 June 2022, the CCPC served a compliance notice on B&Q Ireland Limited, directing it to do the following:

- Cease engaging in the misleading commercial practice of providing false information in relation to the price of products, as described by section 43(1) and 43(3)(c) and contrary to section 47 of the Consumer Protection Act 2007.
- Amend its pricing practice to ensure that the price that the consumer has to pay for the product matches the displayed price.

**HHGL (ROI) Limited, trading at Homebase, Unit C1/2, Northwood Ave, Gulliver's Retail Park, Santry**, a trader operating a DIY and home improvement store. During an inspection of their premises, the CCPC found that the trader engaged in a misleading commercial practice by providing information that would be likely to mislead consumers in relation to the price of the product, namely where the price displayed is lower than the price that is scanned and would be charged at the till and that this information would be likely to cause the average consumer to make a transactional decision that the average consumer would not otherwise make.

On 14 June 2022, the CCPC served a compliance notice on HHGL (ROI) Limited, directing it to do the following:

- Cease engaging in the misleading commercial practice of providing false information in relation to the price of products, as described by section 43(1) and 43(3)(c) and contrary to section 47 of the Consumer Protection Act 2007.
- Amend its pricing practice to ensure that the price that the consumer has to pay for the product matches the displayed price.

### List Of Enforcement Actions 2022

**Lidl Ireland GmbH, trading at Lidl, 8A Grangegorman Lower, Dublin 7**, a trader operating a supermarket. During an inspection of their premises, the CCPC found that the trader engaged in a misleading commercial practice by providing information that would be likely to mislead consumers in relation to the price of the product, namely where the price displayed is lower than the price that is scanned and would be charged at the till and that this information would be likely to cause the average consumer to make a transactional decision that the average consumer would not otherwise make.

On 21 June 2022, the CCPC served a compliance notice on Lidl Ireland GmbH, directing it to do the following:

- Cease engaging in the misleading commercial practice of providing false information in relation to the price of products, as described by section 43(1) and 43(3)(c) and contrary to section 47 of the Consumer Protection Act 2007.
- Amend its pricing practice to ensure that the price that the consumer has to pay for the product matches the displayed price.

**Mr Timothy McCarthy of McCarthy Motors, Sneem, Co. Kerry**, a trader selling fuel to consumers. During an inspection of the premises, the CCPC found that the trader engaged in a misleading commercial practice by providing information that would be likely to mislead consumers in relation to the price of the product, namely that the displayed price of fuel visible from the side of the road to a consumer intending to purchase fuel was lower than the price displayed on the fuel pumps and that information would be likely to cause the average consumer to make a transactional decision that the average consumer would not otherwise make.

On 19 July 2022, the CCPC served a compliance notice on Mr Timothy McCarthy, directing him to do the following:

- Cease engaging in the misleading commercial practice of providing false information in relation to the price of products, as described by section 43(1) and 43(3)(c) and contrary to section 47 of the Consumer Protection Act 2007.
- Amend his pricing practice to ensure that the displayed price of fuel visible from the side of the road matches the price displayed at the fuel pumps.

#### Relevant Legislation

Engaging in a prohibited commercial practice contrary to section 42(1) of the Consumer Protection Act 2007 as described by section 43(2) and section 43(3)(j) and thus committing an offence contrary to section 47 of the Consumer Protection Act 2007.

**Grattan Promotions Limited, G14, Swords Enterprise Park, Feltrim Road, Swords, Dublin, K67 EY15** a trader which operated the website [www.grattansupplies.ie](http://www.grattansupplies.ie), selling hardware and DIY accessories including brand name products in areas such as power tools, work gear and DIY supplies. During an inspection of their website, the trader was found to have provided information likely to deceive or mislead consumers as to their rights and a trader's obligations, namely that consumers have 14 days to return products.

On 9 February 2022, the CCPC served a compliance notice on the Company Secretary of Grattan Promotions Limited, directing the trader to do the following:

- Amend their website to ensure the information available to consumers regarding cancellation rights in relation to distance sales contracts accurately reflects the legal rights a consumer may avail of under the CRD Regulations.



### List Of Enforcement Actions 2022

**John McLoughlin, trading as Mac Autos, of Raheny, Dublin**, a trader operating as a second-hand car dealer. Mr McLoughlin was found to have engaged in prohibited acts or practices by providing false information to a consumer in relation to a motor vehicle's usage or prior history and by omitting or concealing material information about a motor vehicle from another consumer.

On 12 July 2022, the CCPC served two compliance notices on Mr McLoughlin, trading as Mac Autos, directing him to do the following:

- Make compensation of €3,300 to one consumer and €4,100 to another.
- Provide true and accurate information in all communications, including advertisements, with or to consumers with respect to the usage and prior history of every motor vehicle advertised or offered for sale.
- Ensure that appropriate due diligence is carried out on the history and usage of every motor vehicle offered for sale and that a record of the due diligence is maintained for a period of three years.

**The Dublin Mint Office Limited, 5th Floor, Beaux Lane House, Mercer Street Lower, Dublin 2, D02 DH60**, a trader operating the website [www.dublinmintoffice.ie](http://www.dublinmintoffice.ie), selling commemorative coins and gifts. During an inspection of their website, the trader was found to have provided false information to consumers in relation to their rights and a trader's obligations, namely referring consumers to incorrect legislation in relation to consumer cancellation rights.

On 30 May 2022, the CCPC served a compliance notice on the Company Secretary of The Dublin Mint Office Limited, directing the trader to do the following:

- Amend their website to ensure the information available to consumers regarding cancellation rights in relation to distance sales contracts accurately reflects the legal rights a consumer may avail of under the CRD Regulations.

**John McElhinney Unlimited Company, Main Street, Ballybofey, Co. Donegal**, a trader operating the website [www.mcelhinneys.com](http://www.mcelhinneys.com), selling consumers goods including clothing and fashion accessories. During an inspection of their website, the trader was found to have provided information likely to deceive or mislead consumers as to their rights and a trader's obligations, namely that gift cards cannot be returned.

On 2 November 2022, the CCPC served a compliance notice on the Company Secretary of John McElhinney Unlimited Company, directing the trader to do the following:

- Amend their website to ensure the information available to consumers regarding cancellation rights in relation to distance sales contracts accurately reflects the legal rights a consumer may avail of under the CRD Regulations.

**John McElhinney Unlimited Company, Main Street, Ballybofey, Co. Donegal**, a trader operating the website [www.mcelhinneys.com](http://www.mcelhinneys.com), selling consumers goods including clothing and fashion accessories. During an inspection of their website, the trader was found to have provided information likely to deceive or mislead consumers as to their rights and a trader's obligations, namely that the consumer has 14 days from the date of receipt to return an item.

On 2 November 2022, the CCPC served a compliance notice on the Company Secretary of John McElhinney Unlimited Company, directing the trader to do the following:

- Amend their website to ensure information available to consumers regarding the time limits for exercising their cancellation rights in relation to distance sales contracts accurately reflects the legal rights a consumer may avail of under the CRD Regulations.

### List Of Enforcement Actions 2022

**Phoenix Mobile and Communications Limited trading as Munster Tech Centre, 73 Upper O' Connell Street, Ennis, Co. Clare**, a trader operating the website [www.munstertechcentre.ie](http://www.munstertechcentre.ie), which sells consumer electronic goods. During an inspection of the website, the CCPC found the trader provided information which would be likely to deceive or mislead consumers as to their rights.

On 17 November 2022, the CCPC served a compliance notice on Phoenix Mobile and Communications Limited directing it to do the following:

- Amend their website to ensure information available to consumers regarding the time limits for exercising their cancellation rights in relation to distance sales contracts accurately reflects the legal rights a consumer may avail of under the CRD Regulations.

**Phoenix Mobile and Communications Limited trading as Munster Tech Centre, 73 Upper O' Connell Street, Ennis, Co. Clare**, a trader operating the website [www.munstertechcentre.ie](http://www.munstertechcentre.ie) which sells consumer electronic goods. During an inspection of the website, the CCPC found the trader provided information which would be likely to deceive or mislead consumers as to their rights.

On 17 November 2022, the CCPC served a compliance notice on Phoenix Mobile and Communications Limited directing it to do the following:

- Amend their website to ensure information available to consumers regarding the time limits for exercising their cancellation rights in relation to distance sales contracts accurately reflects the legal rights a consumer may avail of under the CRD Regulations.

#### Relevant Legislation

Contravening a relevant enactment specified in Schedule 5 to the Consumer Protection Act 2007, namely the European Union (Online Dispute Resolution for Consumer Disputes) Regulations 2015 (S.I. No. 500 of 2015), as amended.

**The Dublin Mint Office Limited, 5th Floor, Beaux Lane House, Mercer Street Lower, Dublin 2, D02 DH60**, a trader operating the website [www.dublinmintoffice.ie](http://www.dublinmintoffice.ie), selling commemorative coins and gifts. During an inspection of the website, the CCPC found that the trader failed to provide an electronic link to the Online Dispute Resolution platform.

On 19 July 2022, the CCPC served a compliance notice on the Company Secretary of The Dublin Mint Office Limited, directing the trader to do the following:

- When entering online sales contracts with consumers to comply with Article 14(1) of the EU Regulation on Consumer ODR and provide on the trader's website(s) an electronic link to the ODR platform which is easily accessible to consumers

**Phoenix Mobile and Communications Limited trading as Munster Tech Centre, 73 Upper O' Connell Street, Ennis, Co. Clare**, a trader operating the website [www.munstertechcentre.ie](http://www.munstertechcentre.ie), which sells consumer electronic goods. During an inspection of the website, the CCPC found that the trader failed to provide an electronic link to the Online Dispute Resolution platform.

On 17 November 2022, the CCPC served a compliance notice on Phoenix Mobile and Communications Limited directing it to do the following:

- When entering online sales contracts with consumers to comply with Article 14(1) of the EU Regulation on Consumer ODR and provide on the trader's website(s) an electronic link to the ODR platform which is easily accessible to consumers

### List Of Enforcement Actions 2022

#### Fixed Payment Notices Pursuant To Section 85 of The Consumer Protection Act 2007

**Total number of Fixed Payment Notices (FPNs): 17**

##### Relevant Legislation

Failing 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.

**B&Q Ireland Limited, trading at B&Q, Airside Retail Park, Swords, Co. Dublin,** a trader operating a DIY and home improvement store. The trader was required to display the selling price of goods offered for sale. During an inspection of their premises, the CCPC had found the trader to be in breach of this requirement.

**Cedarglade Limited, trading at Centra, 4-6 King Street North, Dublin 7,** a trader operating a supermarket. The trader was required to display the selling price of goods offered for sale. During an inspection of their premises, the CCPC had found the trader to be in breach of this requirement.

**Circle K Ireland Energy Limited, trading at Circle K Omni, Omni Park Shopping Centre, Swords Road, Santry, Dublin,** a trader operating a petrol station and convenience store. The trader was required to display the selling price of goods offered for sale. During an inspection of their premises, the CCPC had found the trader to be in breach of this requirement.

**Corajio Unlimited Company, trading at Mr Price, Mile Height Retail Park, Tralee, Co. Kerry,** a trader operating a discounted retail store. The trader was required to display the selling price of goods offered for sale. During an inspection of their premises, the CCPC had found the trader to be in breach of this requirement.

**Falcon Pharmacies Limited trading at Burke's Pharmacy, 21-23 Ranelagh Rd, Ranelagh, Dublin 6, D06 W1W0,** a trader operating a pharmacy. The trader was required to display the selling price of goods offered for sale. During an inspection at their premises, the CCPC found the trader to be in breach of this requirement.

**Lidl Ireland GmbH, trading at Lidl, 8A Grangegorman Lower, Dublin 7,** a trader operating a supermarket. The trader was required to display the selling price of goods offered for sale. During an inspection of their premises, the CCPC had found the trader to be in breach of this requirement.

**Lifestyle Sports (Ireland) Limited, 40 Mary Street, Dublin 1,** a trader selling goods to consumers including sportswear. The trader was required to indicate the selling price of goods offered for sale. During an inspection of their premises, the CCPC found the trader to be in breach of this requirement.

**L.J.M. Retail Limited trading at EUROSPAR, Gordon House, Barrow Street, Dublin 4, D04 E5W5,** a trader operating a supermarket. The trader was required to display the selling price of goods offered for sale. During an inspection at their premises, the CCPC found the trader to be in breach of this requirement.

**Petrogas Group Limited, trading at Applegreen, Ennis Road, Limerick,** a trader operating a petrol station and convenience store. The trader was required to display the selling price of goods offered for sale. During an inspection of their premises, the CCPC had found the trader to be in breach of this requirement.

### List Of Enforcement Actions 2022

**Power City Limited, trading at Power City, Airside, Swords, Co. Dublin,** a trader operating an electrical and electronics store. The trader was required to display the selling price of goods offered for sale. During an inspection of their premises, the CCPC had found the trader to be in breach of this requirement.

**The Range (Ireland) Ltd, trading at The Retail Park, Liffey Valley, Coldcut Road, Quarryvale, Dublin 22,** a trader selling goods to consumers including furniture and homeware. The trader was required to indicate the selling price of goods offered for sale. During an inspection of their premises the CCPC found the trader to be in breach of this requirement.

**Woodies DIY Limited, trading at Woodies DIY, Jetland Retail Park, Ennis Road, Limerick,** a trader operating a DIY and home improvement store. The trader was required to display the selling price of goods offered for sale. During an inspection of their premises, the CCPC had found the trader to be in breach of this requirement.

#### Relevant Legislation

Failure to display a notice at premises which carries on the business of selling diesel, petrol or 95 unleaded by retail, specifying the retail price per litre charged for fuel as required under paragraph (1) and (2) of Regulation 3 of S.I. No. 178/1997 Retail Prices (Diesel and Petrol) Display Order 1997.

**Acorn Supermarket Limited, Spar, Riverside, Rathcormac, Co. Cork,** trading as Costcutters Grenagh, a trader selling fuel to consumers. The trader was required to display a notice at their premises specifying the retail price per litre charged for fuel. During an inspection of their premises, the CCPC found the trader to be in breach of this requirement.

#### Relevant Legislation

Failure to give or make available to consumers before binding them to a distance contract, the following information specified in Schedule 2 of the CRD Regulations in plain and intelligible language and in a way appropriate to the means of distance communication used in contravention of Regulation 10(1)(a) of the CRD Regulations;

- “(l) where a right to cancel exists, the conditions, time limit and procedures for exercising that right in accordance with Regulation 17;
- (m) where applicable, that the consumer will have to bear the cost of returning the goods in case of cancellation of the contract and, in the case of distance contracts, if the goods by their nature cannot normally be returned by post, the cost of returning the goods;
- (p) in the case of a sales contract, the existence of a legal obligation on the trader to supply goods that are in conformity with the contract.”

**Zipcore Limited, Nesta Building, 4-5 Burton Hall Road, Sandyford, Dublin, D18 A094,** a trader operating a website zipcoreireland.com, selling goods including personal protective equipment and consumer electronic goods such as mobile phones.

The trader was required, but failed, to provide to consumers the following before binding them in a distance contract:

- Where a right to cancel exists, the conditions, time limit and procedures for exercising that right.
- Where applicable, that the consumer will have to bear the cost of returning the goods in case of cancellation of the contract and, in the case of distance contracts, if the goods by their nature cannot be normally returned by post, the cost of returning the goods.
- In the case of a sales contract, the existence of a legal obligation on the trader to supply goods that are in conformity with the contract.

## Appendix 3: Statement on Internal Control

*Please note: The Comptroller and Auditor General (C&AG) had not audited the Statement on Internal Control before it was required by legislation that the CCPC send the Annual Report to the Department of Enterprise, Trade and Employment.*

### Scope of Responsibility

On behalf of the Competition and Consumer Protection Commission (CCPC), we acknowledge the Commission's responsibility for ensuring that an effective system of Internal Control is maintained and operated. This responsibility takes account of the requirements of the Code of Practice for the Governance of State Bodies (2016).

### Purpose of the System of Internal Control

The System of Internal Control is designed to manage risks to a tolerable level rather than eliminate it. The system can therefore only provide reasonable and not absolute assurance that assets are safeguarded, transactions are authorised and properly recorded, and that material errors or irregularities are either prevented or would be detected in a timely period.

The System of Internal Control, which accords with the guidance issued by the Department of Public Expenditure and Reform has been in place in the CCPC for the year ended 31 December 2022 and up to the date of approval of the financial statements.

### Capacity to Handle Risk

The Audit and Risk Committee (ARC) comprises a Chairperson and three members (two of whom are external / independent). The ARC met four times in 2022.

The Commission has a properly constituted internal audit function which is adequately resourced and conducts a programme of work agreed with the ARC. The internal audit function operates in accordance with the Code of Practice for the Governance of State Bodies (revised 2016). The Commission's monitoring and review of effectiveness of the systems of Internal Control is informed by the work of the outsourced internal auditor and the ARC. The following reviews were carried out in 2022:

- Review of Effectiveness of Internal Controls
- Product Safety Advisory Review
- Money Tools Calculators (Validation)
- Policy and International Division
- Risk Management (At Divisional Level)
- Follow-up review on the recommendations from previous internal audit reviews

The Commission has developed a risk management policy that sets out its risk appetite, the risk management processes in place and details the roles and responsibilities of staff in relation to risk. The policy has been issued to all staff to alert management on emerging risks and control weaknesses. This policy is reviewed by the Commission periodically and, where revisions are approved, is presented to the CCPC's ARC for review.

### Risk and Control Framework

The CCPC has implemented a risk management system that identifies and reports key risks and the management actions being taken to address and, to the extent possible, to mitigate those risks.

A Corporate Risk Register is in place that identifies the key risks facing the CCPC and these have been identified, evaluated and graded according to their significance. The register is normally reviewed and updated by the Commission on a quarterly basis, however, the review of this register occurred on a monthly basis until May 2022, primarily as a result of the response to the Covid-19 pandemic. The risk register details the controls and actions needed to mitigate risks and responsibility for operation of controls assigned to specific staff.

The most up-to-date Corporate Risk Register is provided in advance of each ARC meeting along with a memo detailing any changes, including the reasoning for such changes.

The System of Internal Control is based on a framework of regular management information, a system of delegation and accountability, a set of financial procedures, administrative procedures including segregation of duties and rigorous ongoing checks by the finance function.



## Appendix 3: Statement on Internal Control

### We confirm that a control environment containing the following elements is in place:

- A comprehensive budgeting system with an annual budget, which is reviewed and approved by the Members of the Commission
- Authorisation limits are set for the disbursement of the Commission's funds
- Regular review by the Members of the Commission of periodic and annual financial information and reports (including management accounts), which indicate financial performance against budgets
- There are clearly defined management responsibilities, including financial responsibilities which have been assigned with corresponding accountability
- There are policies and procedures for all key business processes, which are reviewed regularly
- Monitoring and reporting on internal control processes, including an Annual Assurance Statement completed by Divisional Directors
- There are mechanisms and systems aimed at ensuring the security of the Information and Communication Technology (ICT) systems
- There are formal procedures to monitor the activities and safeguard the assets of the organisation
- Payment of CCPC's salaries is conducted through the National Shared Services Office (NSSO) and is covered by an Employee Services Management Agreement between the NSSO and the CCPC's parent Department (DETE)

### Impact of the Covid-19 Pandemic on the Control Environment

The onset of the Covid-19 pandemic in early 2020, and the resulting public health advice and safety measures, rapidly and fundamentally changed the working practices of the CCPC, with remote working becoming the norm for CCPC staff. The Commission monitored developments closely, with a view to mitigating the risks that could affect the CCPC's business operations, staff and stakeholders.

These actions allowed us to largely continue delivering our functions while maintaining strong standards of control. CCPC operations are continuing as normal. Actions that the CCPC took in 2022 include:

- Ensuring that the CCPC's business response to the pandemic was steered and guided by the Commission with input from Divisional Directors
- Continual assessment in the after of significant risks pertaining to the Covid-19 pandemic and the agility of the CCPC to respond effectively
- Ensuring robust segregation of duties remains
- Ensuring all existing policies and procedures continue to apply in the remote working environment and are monitored and reported on as normal
- Updating procedures to allow for (i) access to the office (ii) interviews (iii) inspections, in a safe and public health compliant manner where such work was essential to deliver our functions
- Ensuring that staff members access CCPC's network using CCPC's approved ICT equipment and that all staff members working remotely have been equipped with the necessary ICT equipment
- Continuing to assess the potential for weaknesses in internal controls resulting from Covid-19 and taking measures to monitor and update internal controls where necessary

### Ongoing Monitoring and Review

Formal procedures have been established for monitoring control processes and control deficiencies are communicated to those responsible for taking corrective action and to senior management and the Commission, where relevant, in a timely manner. We can confirm that the following ongoing monitoring systems are in place:

- Key risks and related controls have been identified and processes have been put in place to monitor the operation of those key controls and report any identified deficiencies
- Reporting arrangements have been established at all levels where responsibility for financial management has been assigned
- There are regular reviews by the Commission and senior management of periodic and annual performance and financial reports, which indicate performance against budget and forecasts

## Appendix 3: Statement on Internal Control

### Procurement

We confirm that during 2022 the CCPC had procedures in place to ensure compliance with current procurement rules and matters arising regarding controls over procurement are highlighted under internal control issues.

### Review of Effectiveness

We confirm that the CCPC has procedures to monitor the effectiveness of its risk management and control procedures. The Commission's monitoring and review of the effectiveness of the System of Internal Control is informed by the work of the internal and external auditors, the Audit and Risk Committee which oversees their work, and the senior management within the CCPC responsible for the development and maintenance of the internal control framework.

We confirm that the Commission conducted an annual review of the effectiveness of the internal controls for 2022. The Statement on Internal Control has been reviewed by the Audit and Risk Committee and the Commission to ensure it accurately reflects the control system in operation during the reporting period.

A review of Internal Controls in 2022 was carried out and signed off by the Commission in February 2023.

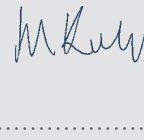
The Commission is reasonably assured that the System of Internal Control instituted and implemented in the CCPC for the financial year ended 31st December 2022 is effective.

### Internal Control Issues

The following weaknesses were identified in 2022:

ISSUE	MITIGATION
<p><b>Procurement:</b> There were two instances of administrative oversight where the approval form, required by internal procurement procedures, to initiate a procurement process was not completed by staff prior to procuring licences to access databases at a value of €4,160 and €24,525.</p> <p>Purchase approval was granted through the authorising of associated Purchase Order forms. Both sets of licences had previously been in use, were due for renewal and were purchased on that basis.</p>	<p>Further staff training will be provided, emphasising the need to ensure the appropriate approval is granted before starting a procurement exercise.</p>
<p><b>Procurement:</b> Temporary staff members assigned to work in the CCPC were sourced via the process used for below €25,000 procurements when the contracts were, or were likely to be, above €25,000.</p> <p>Staffing changes occurred in the HR Division, and during the changeover period the process for sourcing temporary staff was either miscommunicated or misinterpreted, resulting in a misunderstanding regarding the process to be used.</p> <p>There were three instances where the expenditure was above €25,000, and a further four are likely to be above €25,000 when the temporary assignments end. The total expenditure of these staff contracts for 2022 is €253,902.66.</p>	<p>A procurement exercise will be completed by the end of Q2 2023 to establish a multi-agency framework to supply temporary agency staff.</p> <p>The HR Division attended a dedicated training session on procurement, and all staff will attend the annual refresher procurement training provided by procurement personnel.</p>

On behalf of the Competition and Consumer Protection Commission:



Patrick Kenny Interim Chairperson



Brian McHugh Member

## Appendix 4: Public Sector Duty

The Irish Human Rights and Equality Commission Act 2014 creates certain obligations for public bodies in relation to human rights and equality issues. The Act creates a 'Public Sector Duty' which is to have regard to the need to eliminate discrimination, promote equality of opportunity and treatment, and protect human rights of both staff and those to whom they provide services.

The importance of a values-based approach to the public sector duty of the CCPC is mirrored in the way we place an emphasis on it in our plans, goals, mission and the behaviours of our staff. We ensure that links between human rights and/or equality statements and related action plans are incorporated into the CCPC work practices.

### Equality of Access to Information

Equality of access to information is fundamental to the services we provide. We are committed to diversity and will ensure that the right to equal treatment as established by equality legislation is upheld. We aim to ensure equality of access through services provided by phone and online.

We communicate in Irish and Irish Sign Language, on request and publish major documents, such as our annual report, in Irish and English. We published an updated Accessibility Statement on our website in 2022 which details our progress in implementing the recommendations of the 2021 accessibility review of our websites.

Our Access Officer arranges supports for people with disabilities who access our information and services.

### Disability Liaison Officer

Our CCPC Disability Liaison Officer (DLO) acts in confidence and plays a key role in supporting and advising staff and management on work supports that may be required following a declaration of a recognised disability as set out in Section 47(1)(a) of the Disability Act 2005. We encourage all staff to disclose their disability at induction where the services of the DLO are highlighted.

To enable the provision of an effective and efficient Disability Liaison Service the DLO:

- Acts as a point of contact for members of staff with disabilities, their managers and the CCPC's HR Unit
- Provides reasonable workplace accommodations, advice, suggestions, guidance, necessary information and appropriate contacts
- Assists in the implementation of best HR practices in line with equality legislation including the collection, maintenance and reporting of data in compliance with Part 5 of the Disability Act, 2005
- Facilitates increased awareness of disability throughout the CCPC
- Advertises the DLO supports to employees every six months
- Ensures DLO contact details are available for all staff
- Promotes self-disclosure
- Attends DLO network meetings and training sessions
- Provides an annual account of qualitative and quantitative data on this service to the National Disability Authority
- Assists staff members returning to work from a serious illness or anyone that may acquire a disability and need support

Annually we promote disability and celebrate the UN International Day of Persons with Disabilities.

### Promoting Equality and Human Rights in the Workplace

We have a number of policies and procedures to promote equality and human rights and to support our staff. If requested, accommodations are provided at the recruitment stage and continue through the induction process and continually through the employee's working cycle. Our staff induction pack contains detailed policies and procedures relating to dignity and respect in the workplace including bullying and harassment, performance, as well as safety, health and welfare and wellbeing. We encourage a work-life balance for all staff and enable this through our Agile Working Policy and family-friendly and flexible leave policies for working parents and those with caring responsibilities.

### **Safety Statement**

We are committed to protecting the staff, contractors and subcontractors working in the CCPC. We aim to achieve this commitment through the implementation of effective safety management initiatives and the application of this Safety Statement.

The objectives of this Statement are to:

- Promote standards of safety, health and welfare that comply with legal requirements
- Provide staff with sufficient information to allow them to work safely and efficiently
- Enhance safety awareness among staff
- Define the responsibilities of all staff for safety and health matters

### **Employee Assistance Programme**

We support our staff by offering an Employee Assistance Programme. This confidential service provides counselling, support and stress management for staff for both work and non-work-related issues.

### **Wellbeing Supports**

Our Wellbeing Committee oversees, shapes and steers the delivery of the Wellbeing Strategy through collaboration with other staff throughout the CCPC and external organisations. The Wellbeing Committee, led by our HR Division, is made up of representatives from different Divisions across the CCPC.

2022 saw us return to work in the office and our wellbeing initiatives were designed to support this and help our staff to readjust and reconnect. We encouraged social and community activities designed to help staff reconnect with each other and continued our focus from 2021 on positive mental health. The committee also hosted wellness talks in-person and remotely to align with our new way of working.

The committee continues to consult with staff to ensure that the support and initiatives provided are of maximum benefit.

### **Learning and Professional Development**

The CCPC provides a multifaceted approach to learning and professional development for all staff. From the outset we provide staff with an induction seminar series, governance workshops, internal seminars and role related training that is addressed through the performance management system. The 'Advance of fees' programme promotes life-long learning and is very well received. In 2022, there were 13 successful applicants to the programme.

In 2022, we continued our digital literacy programme that underpins a constant cycle of upskilling. This is mirrored by the CCPC specific professional training in forensic digital literacy. We also provided training programmes for staff in communications skills and plain English as part of our commitment to ensure equality of access to the information we provide through our services.

We support online disability awareness and equality training through the National Disability Authority and provide online seminars to further imbed knowledge and understanding. We also offer Leadership training programmes which instill confidence and build agility for our current and future leaders.







Coimisiún um  
Iomaíocht agus  
Cosaint Tomhaltóirí

Competition and  
Consumer Protection  
Commission