



Coimisiún um
Iomaíocht agus
Cosaint Tomhaltóirí

Competition and
Consumer Protection
Commission

The New Competition and Consumer Protection Commission

Isolde Goggin

Chairperson

7 November 2014



Who we are

**Chair of
the Commission**
Isolde Goggin

Executive Office

**Member of
the Commission**
Karen O'Leary

**Member of
the Commission**
Pat Kenny

**Member of
the Commission**
Stephen Calkins

**Member of
the Commission**
Gerald FitzGerald



What we do

- We investigate and challenge practices that are damaging to consumers and/or the wider economy
- We bring anti-competitive behaviour and practices that are harmful to consumers to an end, where necessary via court actions
- We provide information to consumers to help them make informed decisions. We have a specific role in this regard relating to financial services



What we do (contd)

- We examine certain mergers and acquisitions to ensure that there is not a substantial lessening of competition in Ireland
- We advise policy-makers in relation to consumer protection and competition matters
- We promote compliance with a new regulatory regime in the Grocery sector aimed at ensuring balance and fairness in commercial relationships
- We are responsible for market surveillance in relation to the safety of products covered by a number of EU Directives. We have responsibility for monitoring and processing non-food product recalls in Ireland



How it all started

UK - CMA		
Consultation	173 pp	



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How it all started

UK - CMA		Ireland - CCPC
Consultation	173 pp	“Competition and consumer policies are highly complementary and share a common goal of enhancing consumer welfare. The merger of the Competition Authority and the National Consumer Agency will ensure improved co-ordination of these two policy areas. Enforcing both competition and consumer laws will give the newly merged body synergies and efficiencies in carrying out its functions.” (Minister Coughlan, press release, 2008).
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What we think

- This could be really good!
- We can create our own vision
- International trend towards amalgamation – competition, consumers, regulation
- Staff of both organisations have supported and engaged enthusiastically



Amalgamating competition and consumer agencies – the pros

- Competition and consumer protection policies share a common goal: the enhancement of consumer welfare.
- Applied properly, they reinforce one another (OECD, 2008)



Amalgamating competition and consumer agencies – the pros

- “Competition law keeps the options open, consumer protection laws protect the ability of consumers to make informed choices among those options”
 - Netherlands Competition Authority, 2010



Amalgamating competition and consumer agencies – the pros

- Foster pro-market culture
- Facilitates co-ordination and depth across functions
- Small businesses don't fall through the cracks
- Consistent information to businesses and consumers about their rights
- Provides administrative savings and skill enhancement
 - ACCC



Amalgamating competition and consumer agencies – the pros

- 360° perspective on consumer issues
- Combined resources to focus on the most important issues
- Broad portfolio of policy and enforcement instruments
- Huge wealth of information and analytical skills available
 - OECD, CCPC



Amalgamating competition and consumer agencies – the cons

- Consumer protection may be seen as less important
- Consumer protection issues used to raise agency's profile to detriment of competition enforcement
- Internal divisions of culture and functions – “silos”
- Need to integrate staff with wide range of backgrounds and skill sets



We plan to make the pros outweigh the cons!

- Organisation designed to deliver upon this opportunity - fully harness and integrate the knowledge, experience and the expertise of both legacy organisations
- Identify and address the cultural issues up front
- Explain the relevance of everything we do
- Act on the basis of evidence



What has changed in the legislation?

- Supply of grocery goods
 - Minister to make regulations
 - Form of contracts
 - Contract variation, termination and renewal
 - Charges for listing grocery goods
 - Use of third-party suppliers
 - Payments for shelf space or positioning
 - Payments for wastage and marketing costs



What has changed in the legislation?

- Cartel offences “relevant” under Criminal Justice Act – disclosure requirements
- Power to compel individuals to produce documents, answer questions and provide information
- Quicker settlement of disputes about legal professional privilege
- More effective use of existing arrest, detention and questioning periods



What has changed in the legislation?

- Competition investigators to attend and participate in Garda interviews
- New measures on how documents are to be given to the Commission
- Requirement for witnesses to create and provide written information
- Provisions of Communications (Retention of Data) Act extended to cartel offences



What hasn't changed in the new legislation?

- TCA had previously argued need for civil fines for non-hardcore infringements
- 32 convictions to date for hardcore cartel offences
- Not appropriate or practical for non-hardcore offences
- Only declaratory and injunctive relief available – no financial penalty (though risk of private damages actions)
- Seriously out of line with EU competition and regulatory law
- LRC examining issue in relation to all regulatory bodies as first item on current work programme



- **Our Mission** is to make markets work better for consumers and businesses
- **Our Vision** is for open and competitive markets where consumers are protected and empowered and businesses actively compete
- **Our Values** are effectiveness; efficiency; impartiality; excellence; and respect.



How are we going to do it?

**Chair of
the Commission**
Isolde Goggin

Executive Office

**Member of
the Commission**
Karen O'Leary

Communications and
Consumer Help

Integration

Corporate Services

**Member of
the Commission**
Pat Kenny

Regulation and
Business Engagement

Criminal Enforcement

Product Safety

**Member of
the Commission**
Stephen Calkins

Advocacy and Market
Intelligence

Consumer Enforcement

**Member of
the Commission**
Gerald FitzGerald

Mergers

Competition Enforcement

Legal Services



Next steps

- Keep the show on the road!
- Integration
- Relocation
- Strategy Statement 2015 - 2018





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Thank You

