

# Competition and Consumer Protection Commission

Annual Report 2019





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# 2019 in numbers

**1,843,537**

visits to our website



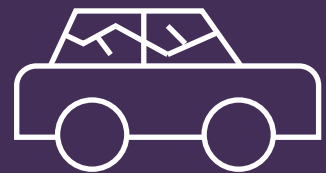
**41,589**

consumers contacted our helpline to seek information about their rights and personal finance products and services



**2**

traders were convicted of selling crashed cars following a criminal prosecution

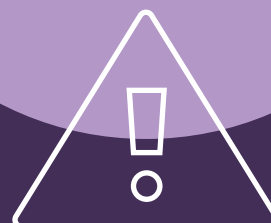


**3,479**

employees in organisations across Ireland benefitted from our *Money skills for life* financial education programme

**32**

Fixed Payment Notices issued to traders for breaches of consumer protection law



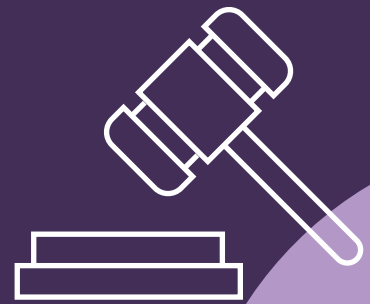


**282,857**

visits to our financial product cost comparisons on [ccpc.ie](http://ccpc.ie)

# First

criminal prosecution for gun-jumping in relation to a merger



**4**

appearances before Joint Oireachtas Committees

**39**

positions were filled across the organisation through recruitment, internal promotions and our mobility programme



**5,419**

subscribers to our consumer newsletter



# From the Chairperson



Since our establishment over five years ago, the Competition and Consumer Protection Commission (CCPC) has developed a strong track record in enforcing competition and consumer protection law. Our guiding principles

have been consistent; to enhance consumer welfare and to promote competition for the benefit of consumers and the economy as a whole. These principles are at the heart of everything we do.

In 2019, the tangible evidence of our work underlined the valuable and varied role that we play. We have worked with businesses to improve their understanding and awareness of how to comply with competition and consumer protection law. Along with developing further business guides, we attended events like 'Taking Care of Business', and various Brexit-themed events around the country, to help companies and traders understand their responsibilities, both now and in the post-Brexit world.

This proactive and preventative compliance approach is backed up by robust enforcement activity. We exercise our enforcement powers independently, in the public interest, with integrity and professionalism. Last year, following an in-depth investigation, involving a wide number of parties and multiple lines of enquiry, we referred a file to the Director of Public Prosecutions (DPP) in relation to potential bid-rigging in the procurement of publicly-funded transport services, in certain parts of Munster and Leinster. We also made significant progress in our investigations in the motor insurance and ticketing sectors, both of which are complex investigations involving a broad number of parties. We examined approximately 75 consignments containing 663,000 product units, which were referred to the CCPC by Customs. Of these, 152,883 products were either re-exported or sent for destruction. We tackled vehicle crime by carrying out several inspections and a significant number of investigations into the sale of clocked or crashed cars. This resulted

in court convictions, compensation orders and Compliance Notices against motor traders. We inspected 103 traders for compliance with consumer protection laws. These inspections resulted in 32 Fixed Payment Notices and 16 Compliance Notices being issued to traders. We also engaged with a number of businesses and organisations to remind them of their obligations under competition law, which also resulted in positive outcomes for consumers.

We use the information we receive through our own market monitoring and intelligence, our work at a European level and the 40,000+ contacts that we receive each year from consumers and businesses, to inform our work and identify and target priority markets. In 2019, we undertook a major review of contracts of care in Irish nursing homes. Residents of nursing homes are some of the most vulnerable consumers in our society. The value and nature of the service, coupled with the stressful and difficult circumstances of moving into residential care, means it is essential that residents are provided with all of the information they need to make an informed decision and they are not bound by unfair terms in their contracts.

Last year was a particularly significant year for the merger regime in Ireland, with the first criminal conviction in Ireland for gun-jumping. Putting a merger into effect without the proper clearance (gun-jumping) is not only a criminal offence, but it also means that the merger is void. The newly increased financial thresholds for mergers also took effect on 1 January, and we commenced the detailed design phase of a simplified merger procedure. We continued to work closely with our parent Department, the Department of Business, Enterprise and Innovation (DBEI) in the transposition of the ECN+ Directive, to ensure that Ireland's competition law regime can meet the challenges that modern markets and trading practices present. We also commenced a market study in the public liability insurance market, following a request by the Minister for Business, Enterprise and Innovation, Heather Humphreys, TD.

In 2019, the CCPC as an organisation continued to adjust and expand to meet increased responsibilities and challenges, particularly in preparation for the impact of Brexit. Brexit is expected to bring significant changes for Irish businesses, and we have been working alongside our parent Department, DBEI, and wider Government, to help businesses prepare

for changes in the trading environment. One such anticipated change is an increase in the number of merger notifications, due to the fact that some mergers (affecting Ireland and the UK) which were previously notified to the European Commission, may now be separately notified to Ireland and the UK. The CCPC has recruited staff to ensure that the organisation is prepared to deal with the expected increase in the number and complexity of merger notifications.

I am particularly proud of our ongoing progress in supporting our staff and helping them to reach their potential. I, along with the Commission, would like to recognise and thank all of them for their commitment and dedication throughout the year. Our people come from a variety of backgrounds and specialisms and, working together, successfully bring their experience and expertise to bear. The demands have been increasing, our resources are limited, but we have successfully grown as an organisation, both in terms of scale and the impact of our work.

I would also like to acknowledge the ongoing and valuable support of our parent Department, DBEI.

Even in this snapshot, the breadth and depth of the work of the CCPC is evident. It remains an ongoing challenge to meet the enormous and growing demands on our services. In a complex and evolving world, we need to continually reassess our priorities and activities. As we look ahead, it is clear that this work will be ever more important. The challenges our economy is experiencing will need to be addressed and our vision for open and competitive markets, where consumers are protected and businesses actively compete, must remain at the heart of policy and practice. It is this vision that can foster the innovation and competitive drive necessary for an efficient market. It also allows consumers to act with confidence and to trust and feel secure in their actions. We will continue to enforce, protect and inform where it is needed most and work toward markets that work better for all.



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**Isolde Goggin**

Chairperson





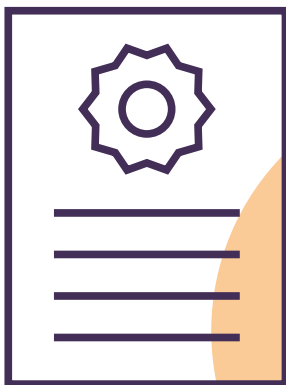
# Making an impact in priority markets

Ireland's competition and consumer protection laws are important in contributing to a successful economy. We use our enforcement and regulatory powers to make markets work better for consumers. Information and evidence obtained through a range of channels including; contacts to our consumer helpline, as well as research and market surveillance, help us identify and focus on the sectors and behaviours within our remit that the evidence shows are most detrimental to competition and consumer welfare. Below are four case studies where the CCPC delivered results across our remit in 2019.



## Case study: Contracts of care in nursing homes

The decision to move into long-term residential care may be made with urgency and under stressful circumstances. By their nature, care services are expensive and, for many people, there are limited options to choose from and, if you are not happy, moving to another nursing home may not be feasible. This means residents are particularly vulnerable. When a person moves into a nursing home, they themselves (or their legal representative) will need to sign a contract of care. In this type of contract, the terms have been drafted in advance and there may be little or no opportunity for the resident to negotiate, or change the terms. Given these specific circumstances, it is essential that residents are given all of the necessary information they need to make an informed decision before they commit to a contract. The EU (Unfair Terms in Consumer Contracts) Regulations 1995 (the Unfair Terms Regulations) provide specific protections for consumers who enter into standard form contracts, including for nursing home services. These protections require that consumers be provided with their standard form terms in plain and understandable language. Importantly, it ensures that consumers are not bound by unfair terms. The purpose of our project was to produce guidelines to assist those who provide long-term residential care services to older people in complying with the Unfair Terms Regulations.



### Research, consultation and engagement with the sector

Over an 18-month period, we undertook an extensive programme of research, consultation and engagement with the nursing home sector, to ensure we had as much knowledge and evidence about the current practices, within the sector, as possible. As part of this, we met with a number of stakeholders including advocacy groups for nursing home residents, as well as nursing home representative groups. The purpose of these meetings was to gain a comprehensive understanding of the issues in the nursing home sector relating to contracts of care. In addition, we also invited the public to share their experiences and views of the contracts of care available at the time. As a result of these stakeholder engagements, concerns were raised around a number of issues including; vague and uncertain exclusion or limitation terms (providing a broad range of discretions for the trader), information being provided in guarantor terms and overly technical language being used in contracts.

## Publication of guidelines

After considerable engagement and analysis, in May 2019, we published our guidelines for the Irish nursing home sector. This included posting a copy of the guidelines to 582 registered nursing homes across the country. The purpose of the guidelines was to assist those who provide long-term residential care services to older people with complying with their obligations under the Unfair Terms Regulations and, in doing so, improve the standard of contracts of care across the country. We also published accompanying information for consumers to help them understand what they are entitled to expect in their contract of care. This included a template letter to assist consumers with expressing their concerns about their contract of care with their service provider.



To support the launch of the guidelines, we undertook extensive stakeholder activity in the form of briefings with industry representatives, advocacy groups, other government bodies involved in the sector and political representatives. The main objective for the launch was to ensure that nursing home providers were made aware of the guidelines and undertook a review of their own contracts of care. The guidelines were well received and were covered on the front page of the Irish Times, Irish Independent and Irish Examiner and were also featured on RTÉ Radio 1's highest rated show – Morning Ireland.

This sector will continue to be a priority for the CCPC in 2020 and will form part of the CCPC's Compliance Inspection Framework.

The guidelines and consumer information booklet are available to download on [ccpc.ie](http://ccpc.ie).

## Case study: Improving financial education in Ireland



*Money skills for life talk in Worklink, Carndonagh, Co. Donegal on 12 April 2019*

Last year, we continued to grow our financial education programmes across Ireland. This included expanding our *Money skills for life* (Msfl) programme, which is our workplace financial education programme. With the invaluable help of experienced volunteer presenters, from the public and private sectors, Msfl provides impartial, independent information on managing your money, budgeting, savings and investments, insurance, borrowing, dealing with debt and planning for retirement. The programme is delivered through workplace talks, as well as community-based groups, with each participant receiving a personal finance handbook and budget planner.



*Money skills for life talk in Optum, Dublin on 27 February 2019*

## New developments

In 2019, we delivered 113 Msfl talks in 18 counties, reaching 3,479 people. This was more than double the number of talks delivered in 2018. We also continued to deliver a foundation talk focusing on the basics of day-to-day banking and budgeting. This was successfully delivered to organisations, such as Youthreach, as well as the ONSIDE Project, which aims to promote disability equality and independent living in border counties.

## Feedback

Of the attendees surveyed, 94% said they found the talk very, or reasonably useful and 91% also said that they would recommend the talk to others. 97% of employers surveyed said the presentation and free support resources met or exceeded their expectations.

*“Excellent service, we use the Money skills for life programme for all new entrants and retirement courses in the Defence Forces”*

*Feedback from  
the Defence Forces*

## Training

Our Msfl programme is reliant on volunteer presenters, and so we recruit not just from within the CCPC, but also those who work in financial services. In 2019, we undertook a very successful recruitment drive to increase our presenter numbers. As a result, 27 new volunteer presenters joined the programme and were trained during the year. This meant our presenter base has continued to increase year-on-year, increasing our ability to deliver talks across the country.

## Sponsorship of RTÉ 1's 'How to Be Good with Money'

In January and February, the CCPC sponsored the financial education TV series *'How to be Good with Money'* on RTÉ 1. During the six episodes, financial planner Eoin McGee helped a household learn how to manage their money better to achieve their financial goals. Viewers were given practical financial information and solutions that they could apply to their own lives.



*'How to be Good with Money' on RTÉ 1*

This was the CCPC's first ever TV sponsorship and it was very successful. The programme had an average viewership of 406,717 per episode and the average audience share was 21%. To bring the partnership to life, we created our own digital strategy around the programme, which included activity on YouTube, Instagram, Facebook and Twitter. The Facebook and Instagram ads were viewed 2.18 million times. This activity directed people to our personal finance information and money tools. Visits to our website (ccpc.ie) over the course of the six week series increased by 32% on the same period in 2018, with traffic to the site on Thursdays (the night the show aired) up 49% on the same period the year before.

The sponsorship also won the Best TV Broadcast category at the Irish Sponsorship Awards in December. Our sponsorship of *'How to be Good with Money'* continues for a second series in early 2020.

In 2019, activities also began on our three-year Financial Well-being Strategy. More information on this can be found on page 33.



## Case study: Brexit

In 2019, in common with many organisations, Brexit posed an immediate priority. We continued to monitor developments and worked closely with our parent Department, DBEI to ensure we were prepared for the impact Brexit would have on both consumers and businesses. Below are some examples of our work.

### Brexit and online shopping

In September, we published market research on consumers' experiences shopping online from UK companies, and their awareness of consumer rights when shopping in the European Union (EU). 1,000 people were surveyed as part of this research. The survey found that 72% of respondents had bought online from a UK-based company in the last two years, with 40% returning items. 60% of respondents were aware that their rights when they buy online differ, depending on whether the company is based within, or outside, the EU. 31% of respondents who had bought online from the UK stated that, as a result of Brexit, they would buy more from websites in other EU countries, while 25% said they would make no changes.



Following the publication of this research, we carried out a six-week public awareness campaign to remind consumers that they have strong consumer rights when buying online from an EU-based company, and to inform them that these rights may not apply if they are buying from a UK website post-Brexit. The target audience included those aged 25-44 who shop online, including those who have visited an EU or UK retail website. The campaign consisted of a mix of radio adverts, digital display, video on social channels, paid search and sponsored Gmail ads to reach consumers. Our Brexit videos received over 1 million views on social media and our website content received almost 17,000 views as a result of the campaign activity.



*Minister Helen McEntee and Member of the Commission, Fergal O'Leary at the An Post Mail Centre in Portlaoise to promote preparation for Brexit*

During the year, we visited the An Post Mail Centre in Portlaoise to contribute to RTÉ News stories on the potential impact of Brexit for consumers who shop online.



## Brexit and your business

To help prepare businesses for Brexit, we published online guidance in relation to product safety and merger obligations. This information was continuously updated throughout the year as Brexit continued to unfold. We also contributed to the information published on the Government's website: [gov.ie/Brexit](http://gov.ie/Brexit).

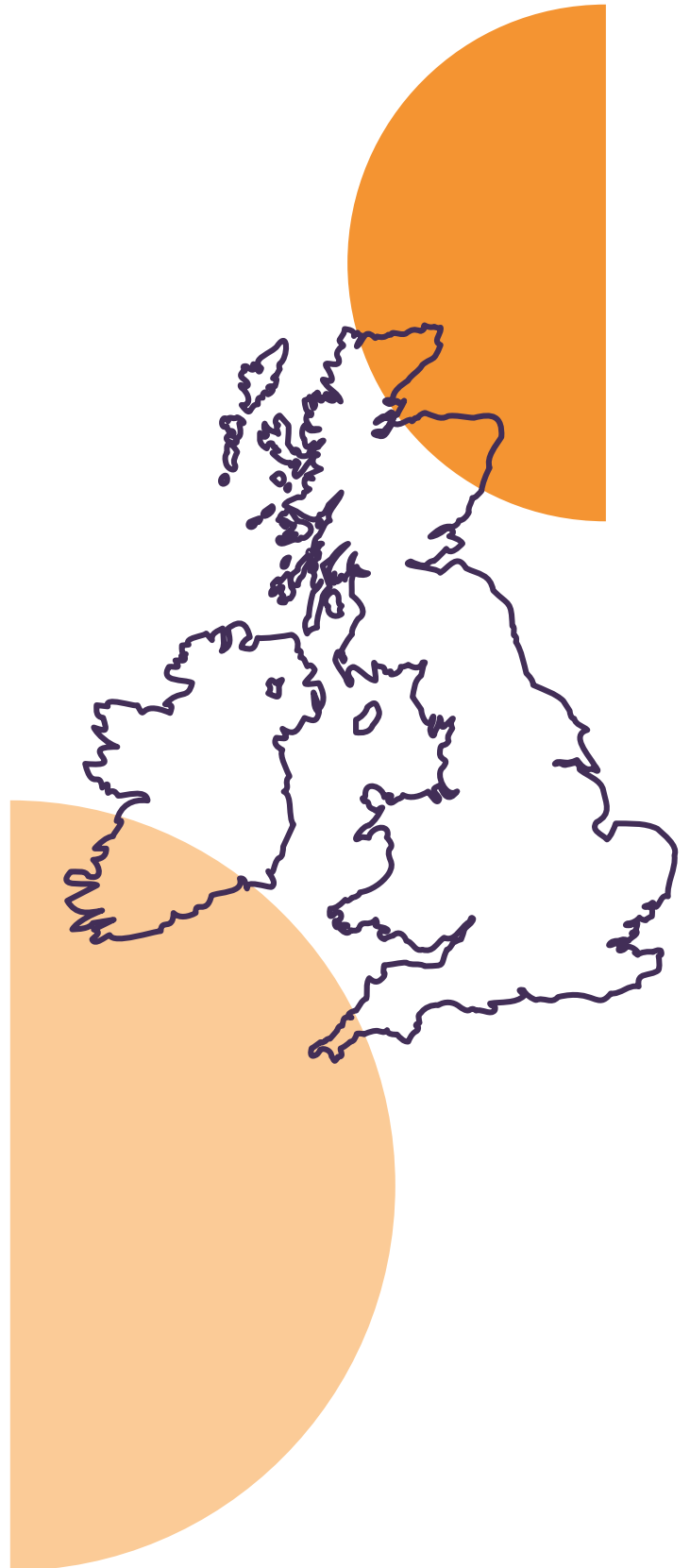


## Brexit outreach events

In July, our Director of Brexit and International, John Shine, along with representatives from other DBEI agencies and Government Departments, attended Brexit outreach events in Cavan, Monaghan, Donegal and Dundalk. The events were chaired by Minister Heather Humphreys and were attended by over 70 small businesses. The aim of the events was to provide businesses with information on the practical steps they need to take to prepare for Brexit.



*Minister Heather Humphreys and Director of Brexit and International, John Shine at a Brexit outreach event in Monaghan*



## Case study: Developments in operation of our merger control regime

### Improving efficiencies

2019 saw significant changes within the merger regime in Ireland. Following on from the CCPC's most active year on record in 2018, the implementation of the new, higher merger financial thresholds on 1 January 2019 resulted in a significant reduction in the number of mergers notified. 47 mergers were notified during the year (a 52% decrease when compared to 2018), with nine notifications requiring an extended Phase 1 review, and two of which requiring a Phase 2 investigation (detailed below). We also hosted our first oral submissions procedure on a merger notification, Berendsen/Kings Laundry, in over 10 years. We issued 49 determinations, four of which required commitments to secure approval.

We also began preparing for the introduction of a new simplified merger procedure (SMP) to deliver an improved merger process for Irish consumers and businesses. Following public consultations, we plan to roll out a SMP in 2020, which we believe will deliver further efficiency benefits for businesses, through a reduced notification burden and faster decision timelines.



### Phase 2 mergers

The first Phase 2 investigation in 2019 related to the proposed acquisition of sole control of MCD Productions Unlimited Company (MCD) by LN-Gaiety Holdings Limited (LN-Gaiety). LN-Gaiety is a joint venture between Live Nation Music (UK) Limited (Live Nation) and Gaiety Investments Unlimited Company (Gaiety). Each of MCD, LN-Gaiety, Gaiety and Live Nation is active at different levels of the supply chain for live music events in the State. Following ten months of in-depth analysis and consultation, on 5 July 2019, we cleared this proposed acquisition, subject to a number of legally binding commitments. Our review included an economic analysis of the affected markets and evidence from third parties at all levels of the supply chain. During our investigation, we identified a number of potential competition concerns arising from the overlapping of activities across the relevant parties. These concerns included the likely impact on competition of future acquisitions of festivals or festival operators, the potential for anti-competitive information sharing, and the potential for retaliatory action against independent live event venues in instances where they choose an alternative ticketing services provider. To address these competition concerns, the parties submitted the following proposals to the CCPC:

- To inform the CCPC in advance of any proposal to acquire control of a live music festival or a live music festival operator in the State, even if the proposed transaction would not meet the thresholds to be notifiable on a mandatory basis to the CCPC.
- To take steps to ensure that the identity of artists that independent promoters propose to promote in the State, which is disclosed to a venue owned, operated or managed by Live Nation during the booking process for a live event, is not directly or indirectly shared between Live Nation and MCD.
- Not to refuse or threaten to refuse to provide live events to an independent live event venue, as a result of that venue choosing to contract with a primary ticketing services provider, other than Ticketmaster.
- To conduct any contract or other negotiations relating to the supply of primary ticketing services by Ticketmaster to MCD on an “*arm’s length*” basis. This means MCD and Ticketmaster must each act independently and in its own interest.

Following detailed consideration and analysis, the CCPC concluded that these commitments were sufficient and effective in addressing the potential competition concerns identified.

The second Phase 2 investigation related to the proposed acquisition of sole control of Kings Laundry Limited (Kings Laundry) by Berendsen Ireland Limited (Berendsen). Berendsen and Kings Laundry are two of the three main providers of outsourced flat linen rental and maintenance services to healthcare customers in the State. During our investigation, we identified competition concerns, specifically in relation to the likely impact on prices and quality of services, due to the reduction in the number of suppliers available to current and future customers in the healthcare market. Berendsen submitted legally binding commitments which required that, before the transaction can be implemented, a set of contracts with healthcare customers, which were at the time serviced by Berendsen, be sold to a suitable supplier. The CCPC approved the proposed transaction subject to these binding commitments to ensure sufficient competition remains in the healthcare market following implementation of the proposed transaction. A monitoring trustee, independent of Berendsen, Elis and Kings Laundry, was appointed to oversee and verify that the commitments set out in the determination are fulfilled before the transaction can be implemented.

## Ireland's first criminal prosecution involving 'gun-jumping' in a merger

Putting a merger into effect without the proper clearance is not only a criminal offence, it also means that the merger is void. This can have serious legal consequences, not only for the company and its shareholders, but also for its employees, customers and suppliers. In 2017, we opened an investigation and prepared a file for the DPP into a potential 'gun-jumping' case. Armalou Holdings, through its subsidiary Spirit Ford Limited, had acquired Lillis O'Donnell Motor Company Limited without notifying us. In April 2019, Armalou Holdings pleaded guilty to six charges arising out of its failure to notify us of the transaction before putting it into effect and in May, Airfield Villas Limited (formerly known as Lillis-O'Donnell Motor Company Limited), also pleaded guilty to illegally putting into effect a business merger without first notifying the CCPC. This was Ireland's first criminal investigation and guilty pleas for 'gun jumping' in a merger.

## Briefing with our legal stakeholders

In December, we invited stakeholders in the legal community to a briefing. We hosted our first briefing back in December 2018. Following positive feedback from attendees, we hosted another event in 2019 to discuss further developments in merger control including; our proposed simplified merger notification procedure guidelines, access to files in merger cases, the impact of the new merger control thresholds and Brexit.





# Highlights

## Keeping consumers safe

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

### Referrals from Customs

Throughout 2019, approximately 663,000 product units were referred to the CCPC by Customs. These products ranged from assorted toys, sunglasses, kitchen appliances, electronic IT equipment, such as chargers/adaptors, to hoverboards and other low voltage electrical products. Following our investigations, we determined that approximately 30 of these consignments did not meet the requirements of product safety legislation and therefore, could not be placed on the Irish market. Of these, 152,883 products were either re-exported or sent for destruction.

### Proactive compliance inspections

During the year we undertook proactive compliance inspections of 10 retail premises using our powers under the Low Voltage Regulations 2016. During the unannounced inspections, teams of Authorised Officers inspected electrical products and removed several sample products for assessment. The purpose of the CCPC's inspections was to monitor compliance and to raise awareness of product safety law. As a result of these inspections, five electrical products from three traders were found to be non-compliant, all of which have been voluntarily withdrawn from sale.

In August, we released footage of the destruction of 3,440 unsafe chargers and adaptors which were referred by Customs to the CCPC and following examinations were found not to comply with safety standards. The video footage was issued to media as a warning to traders that failure to ensure that products reach the relevant product safety regulations and standards may

not only result in financial loss to the trader but, more importantly, their products may cause physical harm to their customers. The CCPC also warned traders that they must take the necessary steps to continue to comply with product safety requirements following Brexit.



We also participated in a joint action with 29 other market surveillance authorities, to investigate the safety of 'slime toys' across Europe. Slime toys were purchased and sent to a laboratory for testing against the relevant product safety standards, including the levels of boron in the toy. Excessive boron levels can be extremely harmful to children. As part of this joint action, almost 200 slime toys were tested with an approximate 20% non-compliance rate. For these products RAPEX notifications (the EU system for the rapid exchange of information) were published and the EU issued communications to consumers warning them of the risks of slime toys.

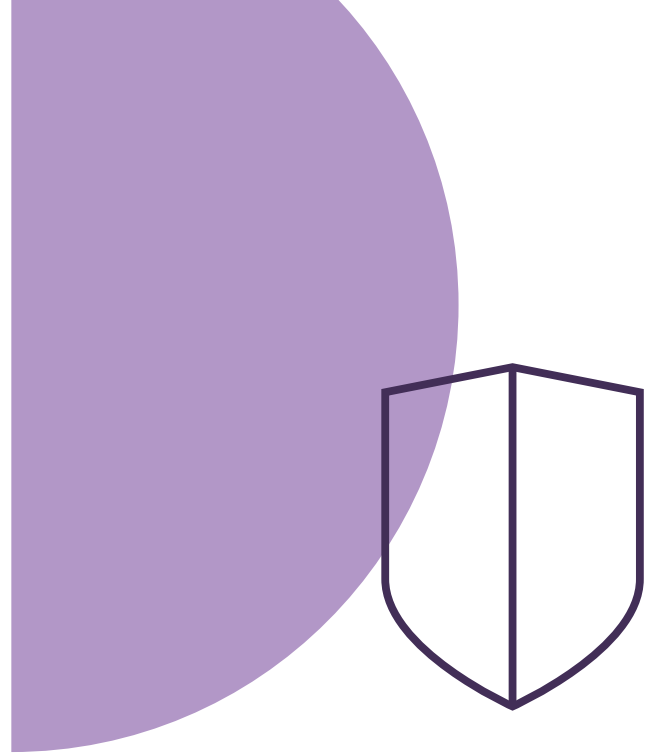


*CCPC staff members conducting product safety inspections.*

## Tackling vehicle crime

The Consumer Protection Act 2007 prohibits traders from misleading consumers when selling clocked or crashed cars. Misleading information may include: a false odometer reading, if the vehicle is not roadworthy, or if the vehicle has been written-off by an insurer. In 2019, tackling vehicle crime continued to be a priority for the CCPC. Throughout the year we carried out unannounced inspections at motor garages around Ireland and used our powers to challenge and take enforcement action against traders found to be misleading consumers. In summary:

- We undertook four inspections of vehicle traders, three of these were carried out in West Dublin, as part of a joint agency inspection with the Garda National Economic Crime Bureau. The other inspection was carried out in Wexford.
- We served three Compliance Notices, two of which were served on Sam Campbell, trading as the Car Crew. The third Compliance Notice was served on Mybrook Motors Ltd.
- In February, car trader Kevin Mc Gann received a four-month suspended sentence following his conviction for providing a consumer with false information in relation to a car. The suspended sentence was granted on the condition that Mr. McGann paid compensation of €7,405 to the consumer who bought the car. Mr. McGann was also ordered to pay €9,500 to cover the CCPC's full legal and investigation costs.
- In July, we secured a compensation order requiring trader, Mark Healy to pay compensation of €8,277 to a consumer. He was also issued with a €500 fine for engaging in a misleading commercial practice.



## Consumer protection

### Ensuring compliance with consumer protection law

As part of our consumer protection remit, we undertake unannounced inspections to monitor compliance with a number of consumer protection legal requirements. These inspections focus on on-premises, off-premises and distance sales. Last year, we carried out a number of themed on-premises compliance checks with a focus on retail pricing requirements, credit intermediaries, hallmarking and compliance with the Grocery Goods Regulations, 2016. We inspected 103 traders, which resulted in 32 Fixed Payment Notices and 16 Compliance Notices being issued for particular breaches.

**More details can be found in the Consumer Protection List in Appendix 2 of this report.**

### Consumer warning

In December, the CCPC issued a warning to consumers in relation to a website, click.ie. The CCPC commenced an investigation following complaints received from consumers about issues with delivery, refunds and faulty products.

The purpose of the warning was to raise consumer awareness at a busy and pressurised time of the year for consumers about the information being provided on this website and to inform them of their rights when buying online. At the end of 2019, this investigation was ongoing.

## Grocery Goods Undertakings Regulations 2016

The CCPC has responsibility for the enforcement of the Grocery Goods Undertakings Regulations 2016. The Regulations apply to retailers and wholesalers of food and drink in Ireland who have, or are part of a group of related companies with, a worldwide turnover in excess of €50 million known as Relevant Grocery Goods Undertakings (RGGUs). The CCPC monitored the submission of the Annual Compliance Reports (ACR) from the RGGUs and conducted on-site inspections to check compliance with the Regulations. In 2019, the CCPC ensured that all RGGUs submitted their ACRs in line with the required deadlines and provided the necessary information, as required under the relevant legislation. The ACRs submitted by RGGUs must list their suppliers, detail their compliance with the Regulations, list any breaches that occurred and outline how they trained their staff regarding the Regulations. Where the CCPC was not satisfied with the level of detail contained in the ACR, we engaged with the RGGUs to ensure that they fully understood their obligations and that they provided the details necessary under the Regulations. In addition, we also conducted on-site inspections in several RGGUs, which included a review of a number of contracts to check compliance with the Regulations. As part of our role, we also investigate complaints received in relation to alleged breaches of the Regulations. No such complaints were received in 2019 and it is our view that the detailed review of the ACRs, combined with on-site inspections are key to ensuring that RGGUs understand and adhere to their obligations under the Regulations.



## Our consumer protection work in Europe

The EU Consumer Protection Cooperation (CPC) Network, which has been in place since 2006, is comprised of national authorities, including the CCPC, who are responsible for enforcing EU consumer protection laws in EU and EEA countries.

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

More and more traders are operating across many Member States and consumers increasingly purchase products and services from traders in other EU countries. In order to ensure that the CPC Network is fit to address these changes, in 2017, the EU adopted a new Regulation which will come into effect in January 2020. The new Regulation will strengthen the CPC Network and ensure that national authorities have the ability to co-operate with each other and protect consumers across the EU. The CCPC, as the Single Liaison Office for Ireland will have a central role in the application of the new Regulation.

As part of our ongoing work in the CPC Network and in preparation for the new Regulation, the CCPC undertook a number of activities in 2019. These included:

- Establishing a new dedicated unit, in order to prepare for the new Regulation and to ensure that the CCPC fulfills its obligations under the existing and the new CPC framework.
- As part of our preparation for the commencement of the new CPC Regulation we worked closely with DBEI during 2019. We also hosted two meetings with the other relevant Irish competent authorities, who we will be directly engaged with under the new Regulations.
- We participated in the annual European CPC "sweep". The sweep is a set of market surveillance checks that are carried out by the CPC Network across Europe and, in 2019, the focus of the sweep was the delivery of

goods purchased online. These checks show whether traders comply with their obligations under consumer protection laws. Where the checks reveal potential breaches, the CCPC uses its powers to ensure remedial action is taken.

- We continued to engage and support the French consumer protection authority (DGCCRF) in relation to complaints from Irish purchasers of French Leaseback properties. The CCPC worked to gather information from over 150 complaints made by Irish consumers and provided the necessary documentation to the DGCCRF to support their investigation. As consumers in other jurisdictions have also been impacted by this issue, we also continued to liaise with the Competition and Markets Authority (CMA) in the UK in relation to this matter.
- We received five enforcement requests and two information requests via the CPC network, relating to potential consumer protection infringements. We acted on these requests as well as those received in previous years and we closed 10 enforcement requests.
- We actively contributed to the ongoing work in the CPC Network, attending Committee meetings and many working group meetings, examining consumer protection issues across a number of sectors. Our work included engaging with a number of joint actions that related to traders' activities across several member states. There were successful outcomes in relation to platforms and other online traders; following action to bring the terms of service of a number of social media operators in line with EU consumer law. In 2019, Facebook updated their terms of service, which helped to explain to consumers how the company uses data to develop profiles and target advertising. In addition, following a joint action by the CPC Network, Airbnb introduced a number of changes including improving its presentation of prices and agreeing to improve the fairness of its terms of services.

## Compliance with competition law

### Public procurement investigation

Cartels, where businesses offering the same products or services collectively agree not to compete with one another or to fix prices, cause very significant harm to competition and consumers. Bid-rigging in public procurement can be particularly harmful as it can artificially increase prices and ultimately costs taxpayers more and can reduce the quality of services the State provides. The CCPC prioritises these investigations.

In 2016, following a complaint, the CCPC opened an investigation into potential bid-rigging in the procurement of publicly-funded transport services in certain parts of Munster and Leinster. As part of this investigation, the CCPC applied to the relevant local District Courts for search warrants to gather evidence relating to the investigation at identified locations. In executing these warrants, the CCPC undertook 22 searches in Tipperary, Waterford, Limerick and Kilkenny. Authorised officers from the CCPC and several members of An Garda Síochána, including a Detective Sergeant from the Garda National Economic Crime Bureau, carried out the searches. In 2019, the culmination of an in-depth investigation, involving a wide number of parties and multiple lines of enquiry, resulted in a file being referred to the DPP.

### Ongoing investigations and compliance

The CCPC is responsible for enforcing Irish and EU competition law. We do this by undertaking investigations and, where appropriate, by initiating enforcement actions – including civil and criminal proceedings through the courts.

In 2019, the CCPC had a number of active civil law competition investigations, including one into potential price signalling in the motor insurance market and another in relation to the provision of tickets and the operation of ticketing services for live events, which refers to issues such as; exclusive arrangements, rebates, and service charges by operators involved in providing tickets and ticketing services. In the course of both investigations, thousands of emails and electronic documents

have been obtained and a number of summons hearings held where evidence was given under oath. Last year, we undertook further extensive analysis of the information gathered, obtained further documents through formal and informal information requests, we also continued to follow a number of lines of enquiry with the large amount of parties involved in each investigation.

Throughout the year, we also engaged with a number of businesses and trade associations to highlight potential competition concerns and ensuring compliance with competition law.

For example:

- In February 2019, we issued a letter to Bank of Ireland following public commentary that appeared to indicate that mortgage interest rates were set to rise. We expressed our concerns that statements of this nature may amount to price signalling, which is contrary to competition law as they may allow competitors in a market to strategically alter their conduct in response. Bank of Ireland assured the CCPC that it was fully aware of, and took very seriously, its obligations under competition law.
- We successfully concluded engagement with the Irish Dancing Commission, An Coimisiún Le Rincí Gaelacha (CLRG), in relation to their eligibility rules for entering Irish dancing competitions. The CLRG engaged constructively with the CCPC throughout the process and, in 2019, agreed to amend their rules to ensure their compliance with competition law.

## Beef sector competition law complaints

Last year, we received over 200 complaints in relation to competition issues in the beef sector. The CCPC is aware of the difficulties which beef farmers in the State are experiencing. We are also well aware that competition law, and indeed the CCPC, have been variously identified by beef farmers both as an obstacle and as a potential solution to resolving these difficulties.

The main concerns raised to the CCPC in relation to the beef sector were:

- The price per kilo offered by beef processors to beef farmers was reportedly similar across all beef processing plants and the concern

was that it indicates the existence of a cartel operated by beef processors.

- That the qualitative criteria for the payment of “in-spec” bonuses applied by beef processors restricts competition.
- That the operation of feedlots distorts competition.
- That a monopoly exists in the offal processing sector in the State.

As a result the CCPC commenced a detailed and extensive assessment of all the information gathered, we took various steps to obtain information and evidence in order to assess the concerns raised in the complaints and to determine if there is sufficient evidence of a breach of competition law to warrant taking further action. These steps included:

- Conducting extensive research and open-source intelligence gathering.
- Meeting with individual beef farmers and their representatives.
- Meeting with a number of public bodies and industry experts, including Teagasc, Bord Bia and the Department of Agriculture, Food and the Marine (“DAFM”).
- Consulting with the European Commission to discuss market conditions across the EU.

Although this work will continue in 2020, it appears that the majority of the issues raised do not fall within the remit of the CCPC, or competition law generally.



# Engaging with businesses to achieve compliance

One of our strategic priorities is to develop a programme of business-focused compliance activities aimed at increasing knowledge of competition and consumer protection law. In 2019, we made various presentations, attended events, and published information to help businesses comply with competition and consumer protection legislation.



CCPC staff members attending the 'Taking Care of Business' event in Athlone

## Taking Care of Business

In October, small business owners or those thinking about starting their own business were invited to a free event – *Taking Care of Business*. Organised by our parent Department, DBEI, *Taking Care of Business* is an annual event which gives small business owners and start-ups a chance to meet with state bodies, including the CCPC, and get helpful information and advice.

The purpose of the event is to:

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

Minister for Business, Enterprise and Innovation, Heather Humphreys, TD, gave the keynote speech. Doireann Sweeney, Head of Corporate and Stakeholder Communications, gave a presentation on the CCPC's role, relevant competition and consumer protection law and how we can help businesses.



Retailer Guide – Electrical products

## Retailer Guide – Electrical products

We produced a guide and checklist with information businesses need to know when importing or selling electrical products in Ireland. The Retailer Guide explained the key product safety obligations businesses have before they import or sell an electrical product. The guides were circulated to businesses who were inspected as part of our proactive work and they were handed out at various events during the year.

### Detecting & Preventing Bid-Rigging in Ireland



## Raising awareness of bid-rigging

Bid-rigging distorts the competitive tender process and can result in artificially high-priced bids winning a contract. In public procurement it is the taxpayer who suffers and it is only through fair and competitive tender processes that the Government and taxpayer gets value for money. In 2019, the CCPC worked with State agencies and organisations to develop awareness of the warning signs of bid-rigging. As part of this, we presented at Public Affairs Ireland's 'Certificate in Public Procurement' course. The CCPC is a regular guest speaker on this course. Our presentations aim to raise awareness of bid-rigging among attendees from local authorities and other public bodies and to inform them of the CCPC's role in this regard.

## New gift voucher legislation

New gift voucher legislation known as the Consumer Protection (Gift Vouchers) Act 2019, came into effect on 2 December, 2019. The Act amends the Consumer Protection Act 2007 and the CCPC is the enforcement body.

As the new legislation will have a significant impact on many businesses across the country, we commenced a business compliance campaign in December to help businesses understand the changes they may need to make as a result of these new laws. Along with issuing a media release, we developed a simple infographic and issued it to large business representative groups, Local Enterprise Offices and Chambers of Commerce across the country.

**New Rules for Gift Vouchers**  
**What businesses need to know**

**CCPC**  
Competition and Consumer Protection Commission  
Comisiún um Sonrúnaíocht agus Cosaint Tionóirí

*New rules have come into effect concerning gift vouchers. Here are some of the main changes that you need to be aware of:*

- Your gift vouchers cannot have an expiry date less than 5 years from the date of purchase
- You must provide a record of the expiry date to your customers in writing e.g. on paper or by email
- Customers cannot be limited to spending the full voucher amount in one transaction nor can you limit the amount of vouchers used in a single transaction

For more information visit [www.ccpc.ie](http://www.ccpc.ie)



# Strategic Goal 1

## A summary of our work

- Criminal breaches of competition law:
  - » The CCPC secured Ireland’s first criminal conviction for ‘gun-jumping’ in a merger (non-notified merger) with two guilty pleas.
  - » A file was referred to the DPP in relation to potential bid-rigging in the procurement of publicly-funded transport services in certain parts of Munster and Leinster.
- Investigations into the sale of crashed/clocked cars:
  - » Three prosecutions were initiated against vehicle traders.
  - » Three compliance notices were served
  - » Four inspections of vehicle traders and three searches under warrant of disguised traders.
  - » Two traders were convicted of engaging in misleading commercial practices under section 24 of the Consumer Protection Act.
- Civil investigations of competition law:
  - » A formal investigation continued into the alleged conduct of the Restaurants Association of Ireland (RAI). This investigation was opened in 2018 after several months of unsuccessful engagement with the RAI to ensure voluntary compliance with competition law.
  - » Investigations in the ticketing and motor insurance sectors continued, with further evidence gathered and analysed.
  - » An investigation into alleged exclusive purchasing arrangements between CRH’s subsidiary, Irish Cement Limited, and retail distributors of bagged cement was closed. The CCPC conducted an extensive investigation and gathered a large number of documents, but did not find sufficient evidence of a breach of competition law to warrant further action.
- » A formal investigation was opened into the alleged conduct of a UK furniture wholesaler which required its retailers in Ireland not to charge prices below the wholesaler’s Suggested Retail Prices. The wholesaler also allegedly restricted retailers’ ability to use the wholesaler’s brand name, brand images and item codes when selling products online. The investigation was ongoing at the end of 2019.
- Product safety inspections and investigations:
  - » 394 RAPEX recall notifications were investigated and published relating to products subject to a recall within the CCPC’s product safety remit and available for sale in Ireland. The CCPC reacted to 149 of these notifications and proactively submitted two RAPEX recall notifications.
  - » 75 consignments referred by Customs were inspected to assess the compliance of products under the CCPC’s product safety remit. The 75 consignments included approximately 663,000 units of potentially unsafe products. 30 of these consignments were non-compliant and therefore could not be placed for sale on the Irish market and 152,883 products were either re-exported or destroyed.
  - » Two proactive market surveillance campaigns took place, one of which included 10 inspections of retailers’ premises. The other included inspections of Christmas stalls.
  - » 125 consumer complaints were referred to our Product Safety Division for investigation.

- Merger examinations:
  - » 47 mergers notified in 2019 (a 52% decrease on 2018).
  - » 49 determinations made, four of which required commitments to secure clearance.
  - » Nine extended Phase 1 investigations, two of which required a Phase 2 investigation.
  
- Consumer protection law, compliance monitoring and enforcement activity:
  - » We undertook inspections at traders' premises across Ireland to check compliance under consumer protection law. In 2019, we carried out a total of 99 inspections, checking compliance across a number of areas, including pricing, credit intermediaries and hallmarking.
  - » We secured 32 Fixed Payment Notices from traders and issued 19 Compliance Notices in respect of breaches of consumer protection law.
  - » We received five enforcement requests and two information requests via the CPC Network, relating to potential consumer protection infringements. We also closed out 10 enforcement requests received through the CPC Network.
  
- Other regulatory activities:
  - » The CCPC is responsible for the list of notified Alternative Dispute Resolution (ADR) entities and worked to promote the availability of high-quality and independent ADR processes to consumers in 2019. We also sought to build the number of notified ADR entities in Ireland and engaged with a number of organisations throughout the year to encourage them to apply to become notified ADR entities.
  - » The CCPC proactively monitors compliance with the Single European Payments Area (SEPA) Regulation and engages with traders to ensure compliance with their obligations under SEPA. The CCPC is the competent authority in Ireland where the payee is a consumer and the payer is a trader, and where the payer is a consumer and the payee is a trader. This ensures that consumers benefit from being able to make euro-denominated payments to, and receive such payments from, accounts anywhere else in SEPA. In 2019, the CCPC reviewed 79 separate SEPA complaints and engaged directly with traders in relation to SEPA issues.
  - » 861 applications were received and 840 authorisations were issued for credit intermediaries and three licences for pawnbrokers.



# Strategic Goal 2

We will empower consumers to help them make informed decisions.

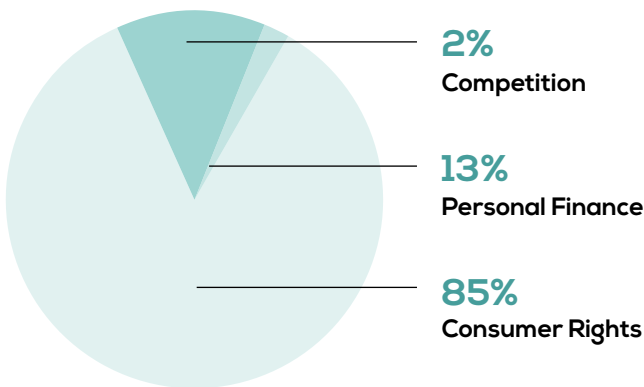


# Highlights

## Consumer helpline

One of the ways in which we help consumers is by providing them with information about their rights and personal finance products and services through our dedicated helpline. In 2019, we provided information directly to 41,589 consumers and businesses on issues relating to their consumer rights, personal finance products and services and competition issues.

The contacts we received can be broken down into three categories:



- Telecoms dominated
  - » We received 4,114 contacts relating to the telecommunications sector. Over one third of these related to mobile phone handsets (1,246 contacts), followed by mobile phone services (704 contacts) and multi-play (576 contacts).
- 32% increase in domestic appliances contacts
  - » A total of 2,036 contacts were received in relation to domestic appliances, which represents an increase of 32% on 2018. Contacts relating to product recalls (333 contacts) comprised the bulk of this increase.

The following chart breaks down the top five categories that related to consumer rights issues.

| Top 5 Consumer Rights Contacts in 2019   |      |
|--|------|
| Telecommunications                       | 4114 |
| Vehicles & Personal Transport            | 3991 |
| Clothing/Footwear/Accessories            | 2151 |
| Domestic Appliances                      | 2036 |
| House Buildings/Maintenance/Improvements | 2031 |

*"A consumer called back to thank the CCPC for the information they gave him around his faulty car. The consumer got a full refund after sending the CCPC's complaints letter to the trader."*

- Feedback from a caller to our helpline

The following chart breaks down the top five categories that related to personal finance issues.

| Top 5 Personal Finance Contacts in 2019           |     |
|---|-----|
| Mortgages & Equity Release                        | 924 |
| Motor Insurance                                   | 897 |
| Current Accounts                                  | 364 |
| Loans   | 351 |
| Insurance outside main areas e.g. phone insurance | 233 |

- Mortgages and equity release – highest volume of personal finance contacts
  - » From the 4,362 personal finance contacts recorded in 2019, mortgages and equity release had the highest volume of contacts with 924. However, this represents a decrease of almost 25% when compared to 2018 figures. Of these 924 contacts, 211 related to equity release products.
- Motor insurance
  - » 897 contacts related to motor insurance, this represents a decrease of 28% when compared to 2018. Contacts relating to claims (219 contacts) were the main driver within this category.
- Loans
  - » 351 contacts related to loans, a 32% increase when compared to 2018. Personal loan issues (185 contacts) were the main driver within this category.

*“Having on occasion used an automated service, I must congratulate your whole service. It was a very pleasant, fast and informative experience, from beginning to end. Your representative was excellent.”*

– Feedback from a caller to our helpline



## Feedback on our service

In the second half of 2018, we conducted a Customer Satisfaction Survey (CSAT) trial on our helpline service. During the trial, consumers were given an opportunity to complete a survey to provide feedback on our service. Over a 12-week period we received a total of 1,008 responses, which represented 27% of consumers who were sent the survey.

Along with receiving positive feedback, we used the results of this initial trial to identify a number of areas where we can improve the overall service we offer. We are also preparing for a full implementation of CSAT, which will allow consumers to give feedback on how we can provide them with a better service.

*“A consumer called to thank the CCPC for their help with resolving an issue relating to faulty goods. With the support of our information, they successfully secured a refund of over €2,000 on furniture they purchased.”*

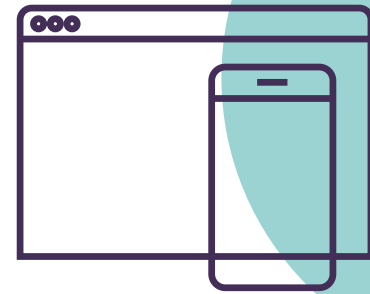
– Feedback from a caller to our helpline





## Website engagement

Our website (ccpc.ie) is an important channel which is used to empower and equip consumers to make informed choices and assert their rights. In 2019, our website received a total of 1,843,537 visits, an increase of 14% when compared to 2018. 82% of these visits were from people visiting our site for the first time as our public awareness activities brought the CCPC's messages to new audiences. The biggest increase in visits was to our product recalls and product safety pages (which grew 143% and 61% respectively) as well as our financial products information pages and money tools (which grew 17% and 42% respectively). The amount of time consumers spent on our website also increased, with the average consumer spending 2 minutes 40 seconds on our site which was 5% more time than 2018.



The below table breaks down the top five pages visited on our consumer and business sections.

| Top 5 pages visited – Consumer      | Top 5 pages visited – Business                                |
|-------------------------------------|---|
| 1. Mortgage comparison              | 1. Merger notifications                                       |
| 2. Loan comparison                  | 2. Credit intermediaries                                      |
| 3. Mortgage calculators             | 3. Consumer protection law – how does it apply to my business |
| 4. Tumble drier recall              | 4. About us   |
| 5. Buying a home step-by-step guide | 5. Current news   |

# Consumer awareness campaigns

Given the breadth of consumer purchases that take place every day, it is important that we focus our efforts on the sectors where consumers most need our help. Our consumer awareness campaigns are influenced by the information we gain through the 40,000+ contacts and the website visits we receive each year. In 2019, we ran nine consumer awareness campaigns on personal finance and consumer rights including: Personal Contract Plan (PCP) car finance, buying online, preparing for Brexit, Christmas returns, mortgage switching, current account switching, window blind safety, gift vouchers and toy safety.

Below is a summary of our main campaigns.

## Get the facts about PCP

From our contacts with consumers, we are aware that car finance can be a difficult area to navigate, particularly as there are a number of different finance options to choose from and some of these can be sold directly to consumers in garages. In May, we launched a campaign to inform consumers, especially those considering buying a car in the second half of the year, about what to consider when financing a car using PCP finance, what they should watch out for when signing up to a PCP and to make them aware of their options at the end of a PCP. We used advertising on radio, Dublin Bus and digital display and ran videos on social media channels and a digital partnership with thejournal.ie to reach our target audience. As a result of the campaign activity, our PCP videos received over 555,000 views and reached an audience of over 296,000 on social media.



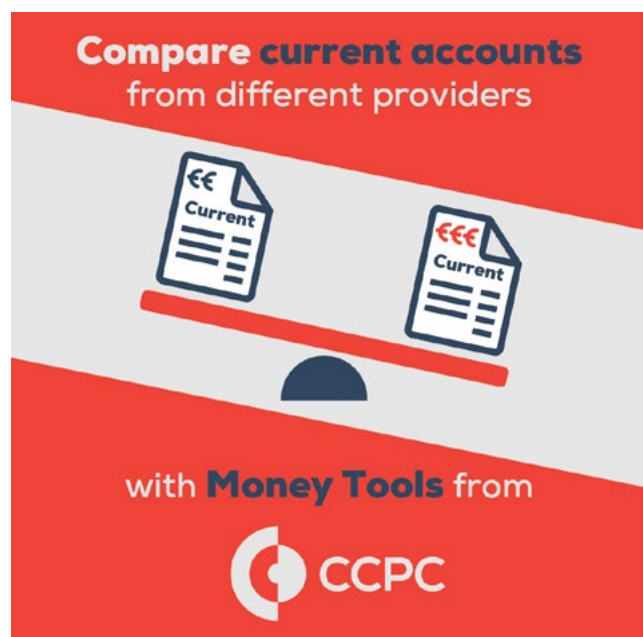
Through our digital media partnership with thejournal.ie, our car finance related articles and vox-pop videos received almost 67,000 views. Our website content also received almost 20,000 views.



## Current account switching

Recognising the low rates of switching in the current account market, in 2019 we ran a four-week awareness campaign to help consumers compare current accounts to see if they could save money by switching, using our redeveloped money tools. The campaign used a mixture of digital only channels, including digital display, an editorial partnership with thejournal.ie, social media and paid search. Throughout the campaign, we reached an audience of over 153,000 on social media channels, achieved almost 28,000 views of articles relating to current account switching from our advertorial partnership and achieved over 10,000 visits to our website content.

More information on the redevelopment of our money tools can be found on page 32.



## Window blind safety

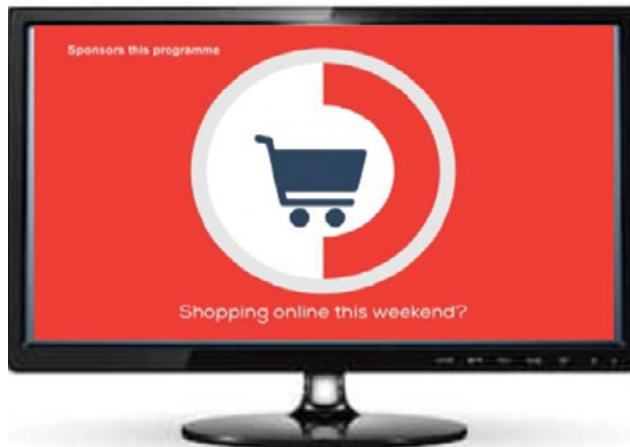
In early November, we launched a four-week public awareness campaign on window blind safety. For this campaign we teamed up with the Health Service Executive to inform people, especially parents and carers, about the hidden dangers to small children of cords and chains children from window blinds and curtains. The campaign used a combination of radio, advertising on hospital screens in maternity hospitals and YouTube, as well as digital display, social media. We also ran content through our digital partnership with thejournal.ie. The videos were aired 92,800 times in maternity hospitals giving significant reach among the target audience. On other channels the videos were viewed over 28,000 times with the window blind safety content on thejournal.ie receiving over 16,500 views. Our website content also received over 6,200 views.

**Window blind cords  
and chains can be  
dangerous to  
small children.**

## Buying online campaign

We launched a 'buying online' campaign in November, to remind consumers that they have strong rights when they buy online from a company based in the EU. As this was a national awareness campaign, we used a mixture of channels including TV sponsorship, digital display, social media and paid search to ensure we effectively reached our target audience and positioned the CCPC as a source of practical information for those who encountered a problem when shopping online. We ran a partnership with Virgin Media over the Black Friday/Cyber Monday weekend on every unsponsored TV programme across the three Virgin Media TV channels. The reach for this period was significant with 1.3 million adults viewing the ads. Also, as the campaign

came to an end, a high impact display format, YouTube Masthead, ran on 13 December to remind consumers that they have rights when they shop online. The format ran across desktop and mobile and was displayed over 7.8 million times.



## Gift vouchers

New gift voucher legislation, the Consumer Protection (Gift Vouchers) Act 2019, came into effect on 2 December. To coincide with the Act, we conducted a three-week public awareness campaign targeted at consumers buying gift vouchers in the lead up to Christmas. The aim of the campaign was to make them aware of the increased protections they have when buying gift vouchers as a result of the new legislation. The campaign used radio, high impact digital formats, advertorials, videos on social media and YouTube and paid search. The videos were viewed over 1 million times reaching an audience on social media of almost 127,000. The gift voucher advertorials received almost 11,000 views with our web-related content getting over 10,000 page views.

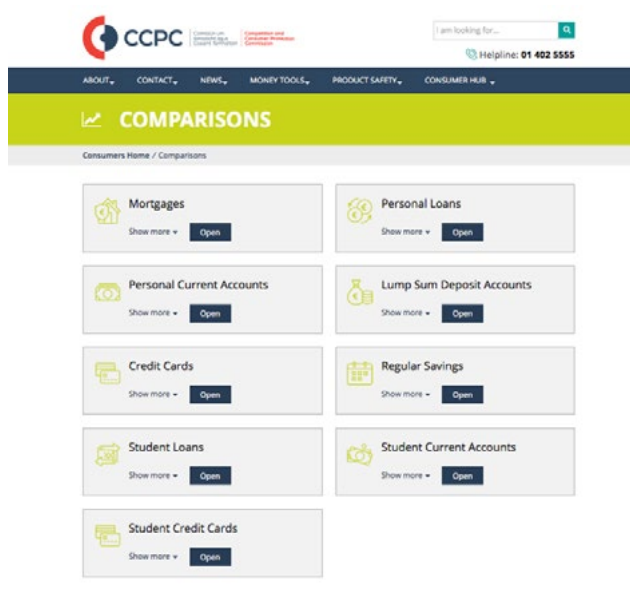
More information about our business campaign on the new gift voucher legislation is on page 23.



## Redevelopment of our money tools on ccpc.ie

Our money tools provide consumers with a user friendly, independent comparison of financial products. In recent years, they have grown to become some of the most popular content on our website. The number of products available on the tools has doubled since 2013 and we make up to 200 updates per month. Due to a significant growth in visits from mobile users, we updated the tools in 2019 to make them more user friendly and mobile optimised.

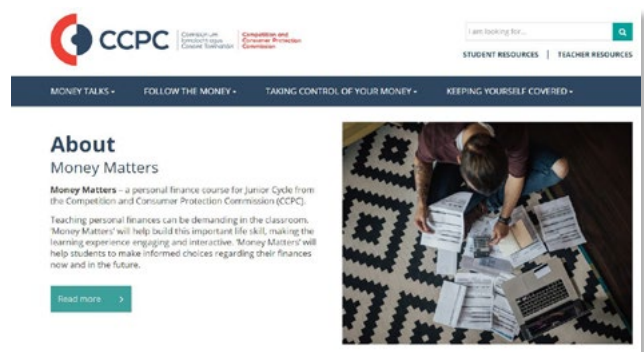
The redeveloped tools went live in September and the feedback was extremely positive. The average number of views the tools received before the update was 17,500 per month, but this increased to 33,000 in September and 52,000 in October. The bounce rate (people who go on the page without then using the tool) also went down by 38%.



## Financial education and well-being

### Junior Cycle financial education programme

*Money Matters* is a personal finance course made up of four strands that can be taught as an entire short course or as individual units in support of the Junior Cycle Business Studies and Home Economics curricula.



Following consultations with relevant stakeholders, we redeveloped the *Money Matters* website to make it more user friendly and easier to navigate. We also attended the Business Studies Teachers' Association of Ireland's annual conference in October to promote the resource and get feedback from teachers. In addition to this, we are working to develop shorter '*Units of Learning*' in cooperation with Junior Cycle for Teachers (JCT) which will sit on the *Money Matters* website. The first of these focuses on household budgeting.

### Workplace financial education programme

Last year, we continued to expand our Money skills for life workplace financial education programme. We delivered 113 Msfl talks in 18 counties, reaching 3,479 people. This was more than double the number of talks delivered in 2018.

More information on our Msfl workplace financial education programme can be found on page 10.

## Financial Well-being Strategy

In 2019 activities began on our three-year Financial Well-being Strategy. The strategy is built on three pillars – educating children and young people, encouraging active saving and planning for retirement. We continued stakeholder engagement around the strategy throughout the year.

The work on improving and developing our *Money Matters* resources under the first pillar is detailed above. As well as this, we engaged with stakeholders and began developing a policy paper and set of actions in relation to the review of the primary school curriculum. An extensive multi-year research project on active savings also began in 2019 with the Economic and Social Research Institute (ESRI) to develop and trial behavioural interventions to encourage people to save regularly.

## Research on consumer behaviour and experiences

In 2019, we commissioned research to help us further understand consumers' experiences and inform our awareness campaigns.

### Travel insurance

We surveyed 1,000 people to gain insight into their experiences of travel insurance and what influences consumers when they choose to purchase a travel insurance product. The results showed that one third of consumers had never before purchased travel insurance. Women were more likely than men to take out a policy, with the 18-44 age group being the least likely to have taken out a policy. Price was the most popular reason for choosing a provider, and around 20% of consumers were not aware of the key policy benefits of travel insurance.

Information on our Brexit and Online Shopping research can be found on page 12.

## Our work with PRICE Lab in behavioural research

PRICE Lab (Programme of Research Investigating Consumer Evaluations) was a collaborative research programme in behavioural economics undertaken by the ESRI between 2013 and 2019. The CCPC co-funded PRICE Lab in conjunction with the Commission for Communications Regulation (ComReg), the Central Bank of Ireland and the Commission for Regulation of Utilities (CRU). In 2019, the collaborative PRICE Lab project came to a conclusion.

The CCPC will continue to independently commission behavioural research where the need arises from our work programme.

### Loan settings

As online banking becomes more popular, many consumers now use online calculators and price comparison tools to compare and apply for financial products. In 2019, we commissioned research by PRICE Lab on loan settings to see whether the default repayment terms set on loan calculators and search tools influence the term of a loan that consumers choose. PRICE Lab developed a behavioural experiment to show that the initial settings of a loan calculator and search tool altered the length of the loans selected by some consumers. The experiment involved asking a representative sample of consumers to choose a personal loan using an online calculator and search tool, just like those now widely used in online banking. Half of the participants were randomly selected to see the initial repayment term set at five years, while the other half saw it set at one year. On average, the decisions of consumers who saw the longer default of five years were swayed towards longer loan terms. The findings demonstrated that small, usually unnoticed features of online environments can have significant influences on decisions and consumers may unknowingly make decisions which could cost them more in the long run based on how information is presented. These findings were very valuable in informing the redevelopment of our *Money Tools* on [ccpc.ie](http://ccpc.ie).

## Mortgage switching

PRICE Lab also conducted research to understand how consumers make decisions in the context of different special offers and rates available in the mortgage market.

In this research, a representative sample of mortgage holders answered questions about how mortgages work and listed what they thought they would need to do if they wanted to switch. They also rated switching offers. Responses given before reading the advice we have on our website were then compared to responses given afterwards. The results showed that mortgage holders were initially drawn to high cashback offers that are ultimately more expensive, but after reading the advice on our website, consumers placed much more weight on the Annual Percentage Rate and the long-term savings they could make. The research also highlighted the misconceptions consumers had about switching, with just one third of mortgage holders realising that they would need a solicitor's services and only one quarter were aware that they would need to have the property revalued, which are typically the two largest costs when switching. The results provided valuable insights into consumer decision-making and we will use this to refine the information we give to consumers on mortgage switching. The research was published online in the *Behavioural Public Policy* journal.

## Strategic Goal 2

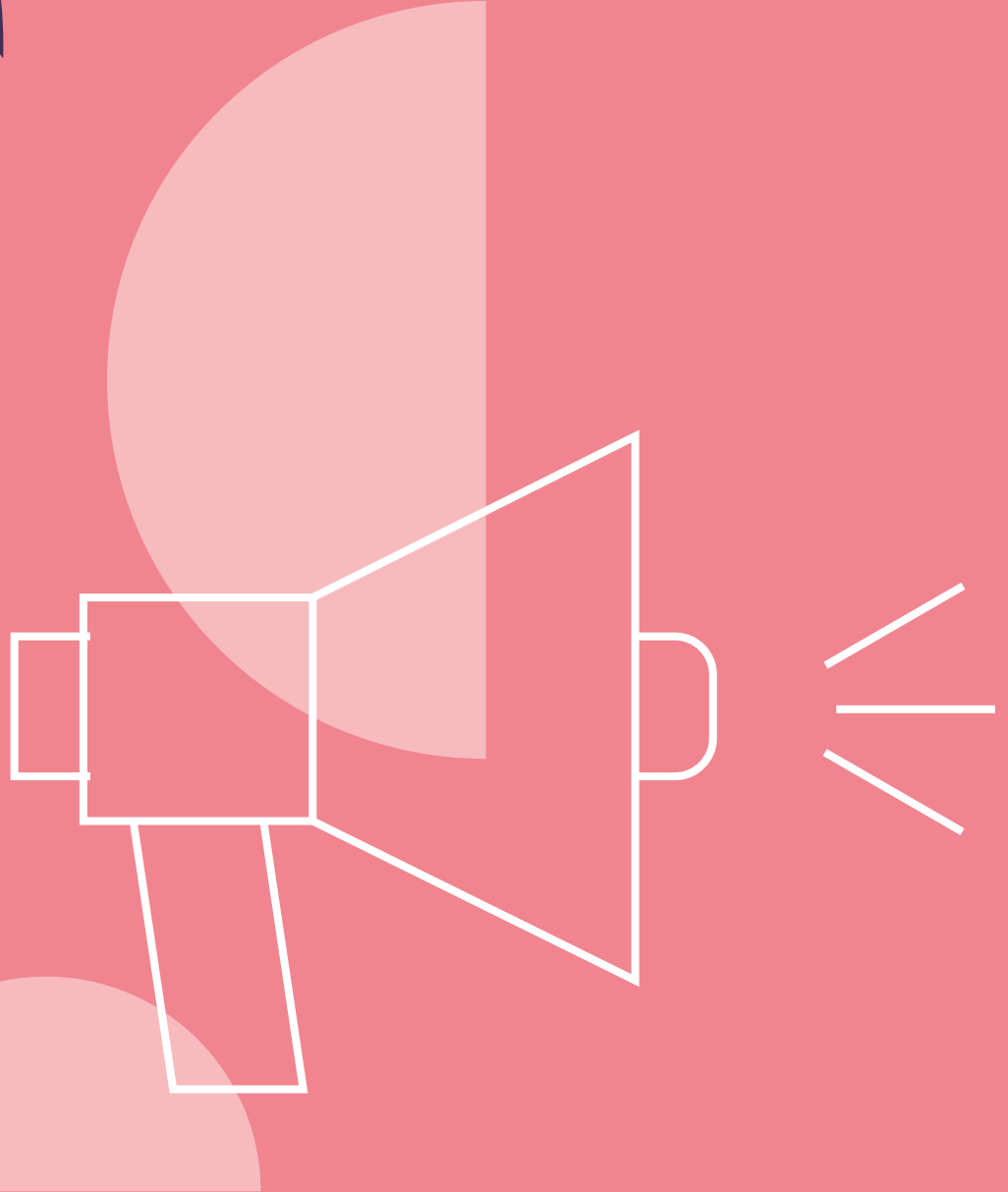
### A summary of our work

- 1,843,537 people visited and received information from ccpc.ie.
- Information was provided to 41,589 consumers and businesses who contacted the CCPC seeking information on a range of issues.
- There were 282,857 visits to our financial product comparison tools. 526 financial products were featured in the CCPC's financial product comparison tools, allowing consumers to independently compare different products and choose the best product for their needs.
- Nine consumer awareness campaigns helped consumers to make empowered decisions.
- 3,479 employees in organisations across the country participated in the CCPC's *Money skills for life* financial education programme.
- As of December, there were 5,419 subscribers to the CCPC consumer newsletter. During the year, 12 consumer newsletters were issued with an average open rate of 49%, and a click-through rate of 27%.
- As of December 2019, the CCPC had 38,517 social media followers (Facebook, Twitter, Instagram, and LinkedIn).
- 1,000 consumers were surveyed on their experiences with travel insurance.
- 1,000 consumers were surveyed to gauge consumers' understanding of shopping online from UK companies.



# Strategic Goal 3

We will work to influence public debate and policy development, promoting competition and highlighting the interests of consumers.



## Highlights

### Promoting competition and highlighting the interests of consumers

#### Public liability insurance study

In August, the Minister for Business, Enterprise and Innovation, Heather Humphreys, TD in accordance with section 10 (4) of the Competition and Consumer Protection Act 2014 requested that the CCPC conduct a study of the public liability insurance market. Issues in this market have been evident for a number of years and the sector has been studied by the Cost of Insurance Working Group, the Personal Injuries Commission and the National Competitiveness Council. Building upon the work of these groups, by the end of 2019 the CCPC's review was well underway, with extensive research and stakeholder engagement having taken place. These activities will inform the completion of an evidence-based report that will make recommendations as to how any issues found might be addressed.



#### Pricing strategies project

The CCPC has, on numerous occasions, conducted market research across up to 18 markets, to assess the number of consumers that switch service or product providers and their reasons for doing so or, conversely, not doing so. The purpose of our work is to make consumers aware of the potential savings they could make by switching and to help equip them with the information they need to make informed decisions. We believe that our work helps to engage consumers and enable them to make the most of competitive markets. In recent years, a number of organisations (for example the Competition and Markets Authority and the Financial Conduct Authority in the UK, as well as US regulators and the European Commission) have investigated concerns that firms have introduced pricing strategies which exploit consumer biases and inertia, resulting in an increasingly large proportion of consumers not benefitting from open and competitive markets.

While it has long been a feature of open markets that the most engaged and savvy consumers benefit more (and our public awareness campaigns have been designed to increase this share) a number of possible factors have been put forward as to how businesses, in some sectors, can increasingly exploit their information advantage, to the point where more targeted interventions may be required. These include:

- Digitalisation; there is a greater opportunity for businesses to know more about consumers and exploit that information.
- Consumer disengagement; businesses increasingly know that a large proportion of their customers don't have the time or the ability to switch, so it is possible to impose gradual price increases (referred to as *price walking* or the *loyalty penalty*).
- Products are getting more complex, which makes switching more difficult.

In addition to *loyalty penalties* and *price walking*, strategies such as *dual pricing*, *personalised pricing* and the use of pricing algorithms are also being reviewed. Particular concerns have been expressed at a political level in relation to *dual pricing* in the insurance and mortgage sectors.

In 2019, the CCPC has conducted desk-based research on this topic and has engaged with a number of stakeholders. The CCPC's work in this area will continue in 2020.

# Improving competition and consumer welfare

## Addressing gaps in the Irish competition law enforcement regime

New legislation, Directive EU 2019/1 (ECN+) will come into effect in 2021 and introduce a number of significant changes to the current competition law enforcement regime in Ireland, in particular the requirement to introduce non-criminal financial sanctions for breaches of EU competition law or breaches of both EU and Irish competition law. The purpose of the Directive is to ensure that national competition authorities have the appropriate public enforcement tools in order to bring about a genuine common competition enforcement area. We believe that it is essential that we have sufficient and coherent powers to effectively deliver on the core objectives of protecting Irish consumers and businesses. As part of a recent 10-year review of the operation of Regulation 1/2003 on the implementation of the rules on competition laid down in Articles 81 and 82 of the Treaty on the Functioning of the European Union, the European Commission noted that, in the “large majority of jurisdictions”, sanctions for infringements of competition law are imposed by the national competition authority itself through administrative procedures. Ireland’s current regime is, therefore, an outlier compared to the rest of Europe. In light of this, we are very strongly supportive of the aims and content of the Directive. In particular, the CCPC believes that the introduction of an administrative enforcement regime, whereby the CCPC would itself have the power to impose fines for breaches of competition law, would fill a significant gap in the existing competition law enforcement regime in Ireland and is vital for the effective enforcement of competition law in Ireland.

In 2019, we continued to work closely with our parent Department, DBEI in the transposition of the ECN+ Directive to ensure that Ireland’s competition law regime can meet the challenges that modern markets and trading practices present. We also actively engaged and participated in discussions with key stakeholders, including the Commission for Communications Regulation (ComReg), and the legal community regarding the transposition of the ECN+ Directive, as well as presenting on ECN+ at competition law events.

## Unfair trading practices in the food supply chain

The Directive (EU) 2019/633 of the European Parliament and of the Council of 17 April 2019 on unfair trading practices in business-to-business relationships in the agricultural and food supply chain (UTP Directive) was adopted on 30 April 2019. The Directive aims to afford protection along the entire agri-food supply chain by prohibiting 16 specific unfair trading practices. The legal basis for the Directive lies in Article 43(2) Treaty on the Functioning of the European Union which relates to Common Agricultural Policy (CAP) and its objectives, including to safeguard farmers’ living standards. While the CCPC recognises and acknowledge the importance of such objectives, they can and will at times conflict with consumers’ interests and welfare.

In 2019, the CCPC had considerable engagement with the agriculture sector, particularly in the context of issues in the beef and meat processing sectors (see more information on page 21). We heard from stakeholders about issues with sustainability and concerns regarding farm income levels and farmers’ lack of power and limited ability to negotiate the price they get for their products. Although these issues do not fall within our remit, we recognise these are all interrelated issues and, at the request of the Joint Oireachtas Committee on Agriculture, in May 2019, we provided our views as to how some of the issues being experienced may be addressed in the transposition of this Directive.

It is the CCPC’s considered view that if the objective is to address an imbalance of power against farmers then a dedicated body is required, not only to enforce this Directive, but also to deliver ongoing regulatory interventions to improve the welfare of Irish farmers. A body dedicated to this

sector could develop the information structures and relationships to provide a real support for the sector. If such a sectoral regulator or office were established, part of its functions could include devising and implementing a strategy to support farmers in the context of CAP reform, advising on commercial and economic development for the sector and overseeing the implementation of future European legislation.

In 2019, the CCPC also made a submission to the Department of Agriculture, Food and the Marine's consultation on the transposition of the UTP Directive.

## Joint Oireachtas Committee appearances

- Joint Oireachtas Committee on Agriculture
  - » In May, we received an invitation from the Joint Oireachtas Committee on Agriculture requesting that we outline our views on how the UTP Directive can be most effectively transposed into Irish law, and to address ongoing concerns in the beef and meat processing sectors. *(Further details can be found on the previous page).*
- Joint Oireachtas Committee on Business, Enterprise and Innovation
  - » In September, we received an invitation from the Joint Committee on Business, Enterprise and Innovation to discuss competition law and its application to the beef sector. During our appearance, we spoke about some of the requirements placed on businesses and trade associations by competition law, and the exemptions which are in place for Producer Organisations in the agriculture sector.
- Joint Oireachtas Committee on Finance, Public Expenditure and Reform and Taoiseach
  - » In November, we appeared before the Joint Committee on Finance, Public Expenditure and Reform and Taoiseach to discuss dual pricing in the insurance market. Pricing strategies of businesses, in a broader context, has been an area that we have been studying for some time and so we provided a briefing on our work in this area. Whilst competition has brought about choice and innovation for consumers, we believe that in order for the full benefits of competition to be realised consumers need to be active participants in markets by researching their options and availing of better deals through switching. However, we are concerned that an increasing number of consumers may not be benefiting from open and competitive markets. We outlined to the committee that we would conduct a consumer research project into pricing strategies in key consumer markets and, based on this research, we will run a public awareness campaign in 2020.
- Joint Oireachtas Committee on Justice and Equality
  - » In December we appeared before the Joint Oireachtas Committee on Justice and Equality to discuss access to justice and legal costs. The legal services market has been a high priority for the CCPC and our predecessor organisation, the Competition Authority, for many years. We outlined our view that despite reforms to date the legal services market could, and should, be more competitive. If further reforms were introduced, they would drive higher levels of competition with the result that consumers, businesses and the State would benefit.



## Enhancing relationships with stakeholders and sharing perspectives on market issues



*Chairperson Isolde Goggin participating in a panel discussion at the ESA's Consumer Protection Day*

## ESA's Consumer Protection Day

In July, Isolde Goggin attended the Joint European Supervisory Authorities (ESAs) Consumer Protection Day in Dublin's Mansion House. The theme of the day was 'Protecting Consumers Together'. Isolde participated in a panel discussion with representatives from the Portuguese Central Bank, the Confederation of Family Organisations in the European Union and the Head of Regulatory Outreach for the Chartered Financial Analyst Institute to discuss financial education with a particular emphasis on what ESAs could do differently or better to fulfil their financial education mandate. Other topics discussed throughout the day included the trend towards consumers investing in financial products that are advertised as pursuing sustainable goals, the challenges and opportunities of the new regulation for retail investment products (PRIIPS Regulation) and strong consumer rights in a fair financial market.

## Digital developments

In September, Isolde Goggin joined the Chairperson of ComReg, the Director of Public Policy at Facebook and the Director for Electronic Communications Networks and Services at the European Commission at ComReg's annual conference, The Digital Society, to share perspectives on the challenges that lie ahead for consumer protection in the digital era and the importance of bodies working together to ensure consumers are protected while online.

Isolde also delivered a presentation at the 2019 Digital Summit in Dublin's Convention Centre. Isolde was joined by a number of international speakers to discuss the development of digital technologies and maximising their use for the good of our society and economy. Fintech and the future of the financial sector, cyber security and how governments can be the drivers of digital transformation were also key themes.



*Chairperson Isolde Goggin sharing perspectives on the challenges that lie ahead for consumers in the digital era at ComReg's annual conference*

## Irish Society for European Law

Throughout the year, staff members from across the CCPC spoke at a number of events hosted by the Irish Society for European Law (ISEL) on topics such as the ECN+ Directive, merger control and *gun-jumping* enforcement in Ireland, including the prosecution of Armalou and Airfield for *gun-jumping*, the impact of the new higher merger thresholds which were introduced on 1 January, 2019, our work on the new Simplified Merger Procedure and developments in EU competition policy including digital issues and European Champions.



Market Surveillance Forum hosted in our offices on 24 September 2019

## National Market Surveillance Forum

The CCPC actively participates in the Market Surveillance Forum, a national forum for market surveillance authorities in Ireland. On 24 September 2019 the Market Surveillance Forum was hosted by the CCPC and was attended by 21 representatives from 13 national Market Surveillance Authorities in Ireland. Discussions focused on the upcoming EU Market Surveillance and Compliance of Products Regulations and the importance of active participation in EU coordinated product safety groups.

## White collar crime

As part of the Government's request to strengthen Ireland's response to white collar crime, a commitment was made to review Ireland's anti-corruption and anti-fraud structures and procedures in criminal law enforcement. Mr. James Hamilton, former Director of Public Prosecutions and anti-corruption expert, was appointed to chair the review group. The review group is comprised of a range of relevant Government Departments, State agencies, including the CCPC (represented by Member of the Commission, Pat Kenny) and other experts. The group held a number of meetings in 2019 and findings and recommendations will be published in 2020.

## International engagement

The CCPC is increasingly active in an international context. We operate in a global environment, where the job of protecting competition and consumers requires close international co-operation. Our international engagement enables us to share information and learn from the experiences of other regulatory authorities, to develop common policies and ensure consistency in law enforcement.

We participate in a large number of international competition and consumer protection organisations, both at EU level and beyond. We regularly attend EU networks, working groups, and advisory committees and engage with our colleagues in other Member States on many aspects of our work. EU organisations which are central to our work include the European Competition Network (ECN), the Consumer Protection Cooperation Network (CPC) and several product safety networks, including RAPEX, the Consumer Safety Network (CSN), and four DG GROW Administration Cooperation working groups (Adco) relating to toys, low voltage, gas appliances and personal protective equipment. We also participate actively in global organisations, including the Organisation for Economic Co-operation and Development (OECD), the International Competition Network (ICN) and the International Consumer Protection and Enforcement Network (ICPEN).

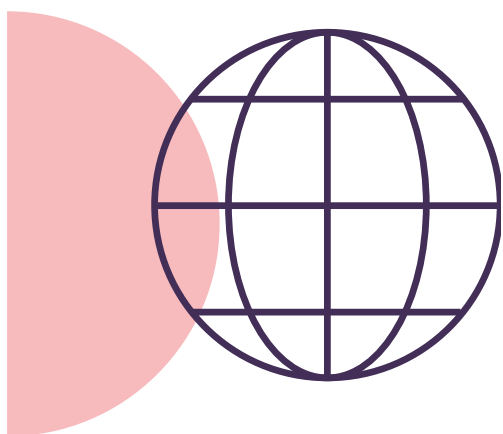
| During 2019, we participated in the following meetings: | Number of meetings |
|---|--------------------|
| European Competition Network                            | 31                 |
| International Competition Network                       | 4                  |
| Consumer Protection Committee Network                   | 16                 |
| OECD  | 14                 |
| Product Safety Networks                                 | 13                 |

## Consumer protection

In March, Member of the Commission, Fergal O’Leary attended a seminar on The Future of Consumer Policy, in Paris. It was hosted by the European Commission (DG Justice and Consumers). During the seminar, the views of Member States were sought on how we could work together to better enforce consumer protection law and in what areas we should concentrate our combined efforts. The European Commission announced that they would conduct a number of studies and share knowledge, particularly in newer digital markets. Going forward, this will be of great benefit to the CCPC and will allow us more quickly understand how these markets work and identify consumer detriment.

## Danish digital investigations lab

In August, Martin Ryan, Head of Digital Investigations Unit visited the Danish Competition and Consumer Authority (DCCA) to take a closer look at their digital investigations laboratory and discuss how they manage digital evidence. Digital forensics, planning for dawn raids, review of evidence, open-source intelligence and data science were discussed throughout the day. As part of this we were shown the different tools used by the team throughout the investigation lifecycle.



## Competition and Consumer Protection Day

In September, Director of Consumer Protection, Seán Murphy attended the Competition and Consumer Day hosted by the Finnish Government as part of their presidency of the EU. The focus of the conference was on sustainability from a competition perspective and the challenges of digitalisation for consumer protection in the future.



*Member of the Commission, Pat Kenny delivering the keynote address at the ICPHSO in Trinity College*

## ICPHSO International Symposium

In October, Member of the Commission, Pat Kenny delivered the keynote address at the International Consumer Product Health and Safety Organisation International Symposium (ICPHSO) in Trinity College. ICPHSO is an international, neutral forum for product safety stakeholders to learn, network and share information. The aim of the Symposium was to bring US and international regulators, industry, consumer organisations, standard makers, test laboratories and product safety experts together. Pat Kenny discussed the free movement of goods within the single European market, stressing the importance of market surveillance to protect consumers from unsafe products and the significance of international cooperation in these challenging times. Pat also spoke about the volume of inspections, alerts and enforcement actions we have taken in the last two years and the strategic direction we are taking in our product safety work.

## Exchange programmes with other national consumer agencies

In November, our Consumer Protection Division welcomed five delegates from the State Consumer Rights Protection Authority of the Republic of Lithuania. This was part of the exchange of officials programme organised by the European Commission DG SANCO.

During the visit, participants shared information on best practices in consumer protection, product safety, unfair commercial practices, investigative tools, criminal enforcement as well as ways to raise consumer awareness.



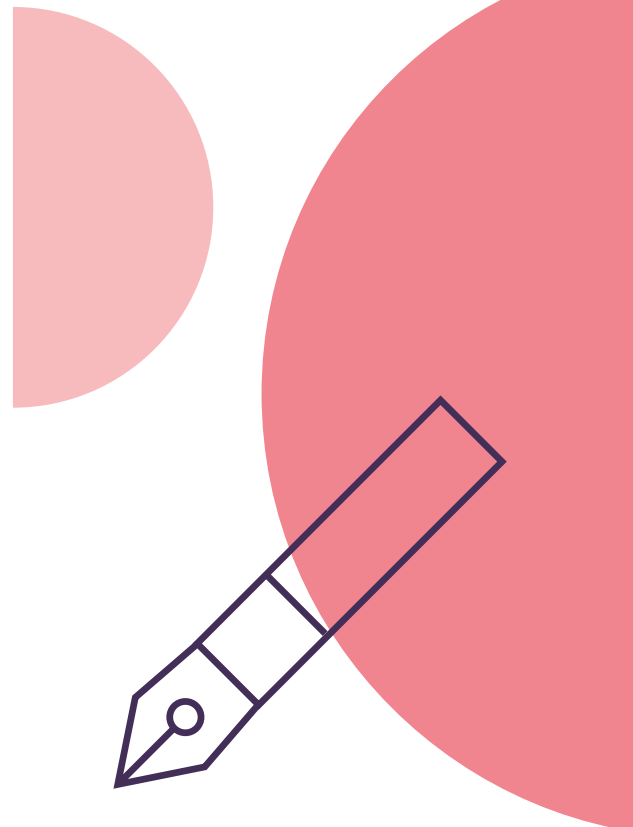
*Our Product Safety Division participating in an exchange programme with the Swedish Consumer Agency*

In December, our Product Safety Division participated in an exchange programme with the Swedish Consumer Agency (SCA). The programme was facilitated by the European Commission through the CASP VisitUs Program. Our visit to Sweden focussed on the market surveillance programme and the planning and prioritisation methodology used by the SCA for the investigation of unsafe products. During the SCA's visit to the CCPC, presentations were given from staff from many Divisions and we also facilitated a visit to New Custom House to allow the SCA to learn about the relationship between the CCPC and Customs, and our shared efforts to protect Irish consumers from unsafe products.

## ICN workshops

In October, staff members from our Criminal Enforcement Division attended the 2019 ICN Cartel Workshop in Foz do Iguaçu, Brazil. The theme of the event was "Cartels in the Age of Data-Driven Economy" and discussions focussed on modern cartel conduct, using IT software systems and innovative tools for detecting and analysing cartel conduct. We also shared our experience in using modern analytical tools and setting up our Digital Investigations Unit in the CCPC.

In November, Dervla Broderick, Deputy Director of Competition Enforcement and Mergers attended the 2019 ICN Unilateral Conduct Workshop in Mexico City. The workshop focussed on unilateral conduct in digital platforms and during the two-day event, Dervla participated in a panel and moderated a break out session to discuss a hypothetical case based on the European Commission's Google Android investigation, which dealt with issues on market definition, theories of harm and efficiency justifications.



## A snapshot of our advocacy work in 2019

The CCPC promotes competition and highlights the interests of consumers in a number of different ways. In 2019, we responded to 10 formal consultation processes and held 10 significant meetings with Government, regulators and law makers. Our consultation responses covered a wide variety of policy areas including; a national strategy on artificial intelligence, the transposition

of the Unfair Trading Practices Directive, reform of the education and training system for legal practitioners, the regulation of high-cost credit, and capacity at State airports. We also engaged with Government departments in regard to the detection of bid-rigging in public procurement, in relation to the recommendations of our Market Study on the household waste sector, and in regard to the recommendations of our study into the PCP finance market. A summary of these is detailed below:

| Significant meetings                               |  |
|--|--|
| Topic  | Stakeholder  |
| Waste  | – Department of Communications, Climate Action and Environment   |
| Unfair Trading Practices Directive                 | – Department of Agriculture, Food and the Marine<br>– Department of Business, Enterprise and Innovation  |
| Legal reform                                       | – Legal Services Regulatory Authority  |
| Bid-rigging  | – Office of Government Procurement   |
| Brexit   | – Department of Business, Enterprise and Innovation (Brexit Co-ordination Group; Brexit Liaison Unit; Grocery Workshop; Retail Consultation Forum; Brexit Out Reach Seminars)<br>– Department of the Taoiseach (High Level Forum; Citizens' Information Campaign Brexit Civic Dialogue – with DFAT; Seminar on Business and AgriFood)<br>– Department of Transport, Tourism and Sport (IMDO Maritime Conference) |
| Vehicle history                                    | – Department of Transport, Tourism and Sport   |
| Digital issues                                     | – Organisation for Economic Co-operation and Development   |
| Summary of key submissions/consultation responses: |  |
| Sector   | Stakeholder  |
| Financial services                                 | – Evaluation of Community Banking and Local Provision of Banking and Financial Services (Indecon/Department of Finance)  |
| Non-traditional credit                             | – Capping the Cost of Licensed Money Lenders and Other Regulatory Matters (Department of Finance)  |
| Legal reform                                       | – Further Consultation on Education and Training Arrangements in the State for Legal Practitioners (Legal Services Regulatory Authority)   |
| Pharmacies   | – Code of Conduct for Pharmacists (The Pharmaceutical Society of Ireland)  |
| Artificial intelligence                            | – Development of a National Artificial Intelligence Strategy (Department of Business, Enterprise and Innovation)   |
| Agriculture  | – Consultation on the transposition of the UTP Directive (Department of Agriculture, Food and the Marine)  |
| Utilities  | – Consultation on Debt Flagging Review (Commission for Regulation of Utilities)  |
| Pensions   | – Consultation on Automatic Enrolment (Department of Employment Affairs and Social Protection)   |
| Transport  | – Review of Future Capacity Needs at Ireland's State Airports (Department of Transport, Tourism and Sport)   |
| Clamping   | – Consultation on Draft Clamping Code of Practice for Parking Controllers and Clamping Operators (National Transport Authority)  |

## Strategic Goal 3 – A summary of our work

- The CCPC commenced a market study on public liability insurance following a Ministerial request.
- The CCPC commenced a research project on pricing strategies and conducted desk-based research in this area.
- The CCPC addressed four Joint Oireachtas Committees:
  - » Joint Oireachtas Committee on Agriculture to outline the CCPC's views on how we believe the UTP Directive can be most effectively transposed into Irish law, and to address ongoing concerns in the beef and meat processing sectors.
  - » Joint Oireachtas Committee on Business, Enterprise and Innovation to discuss competition law and its enforcement in the context of the restrictions on trade associations in negotiating prices and issues in the beef sector.
  - » Joint Oireachtas Committee on Finance, Public Expenditure and Reform and Taoiseach to discuss dual pricing and the work the CCPC is doing in this area.
  - » Joint Oireachtas Committee on Justice and Equality to discuss access to justice and legal costs.



# Strategic Goal 4

We will support our staff's ambition to maximise the CCPC's impact and help our people achieve their potential.

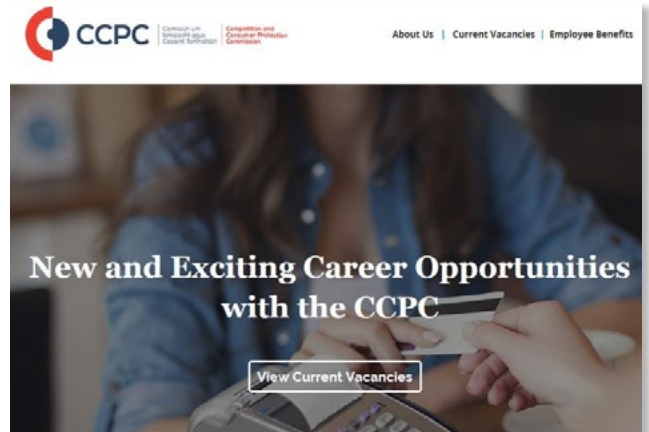


# Priorities and resources

## Work planning and personal performance and capabilities

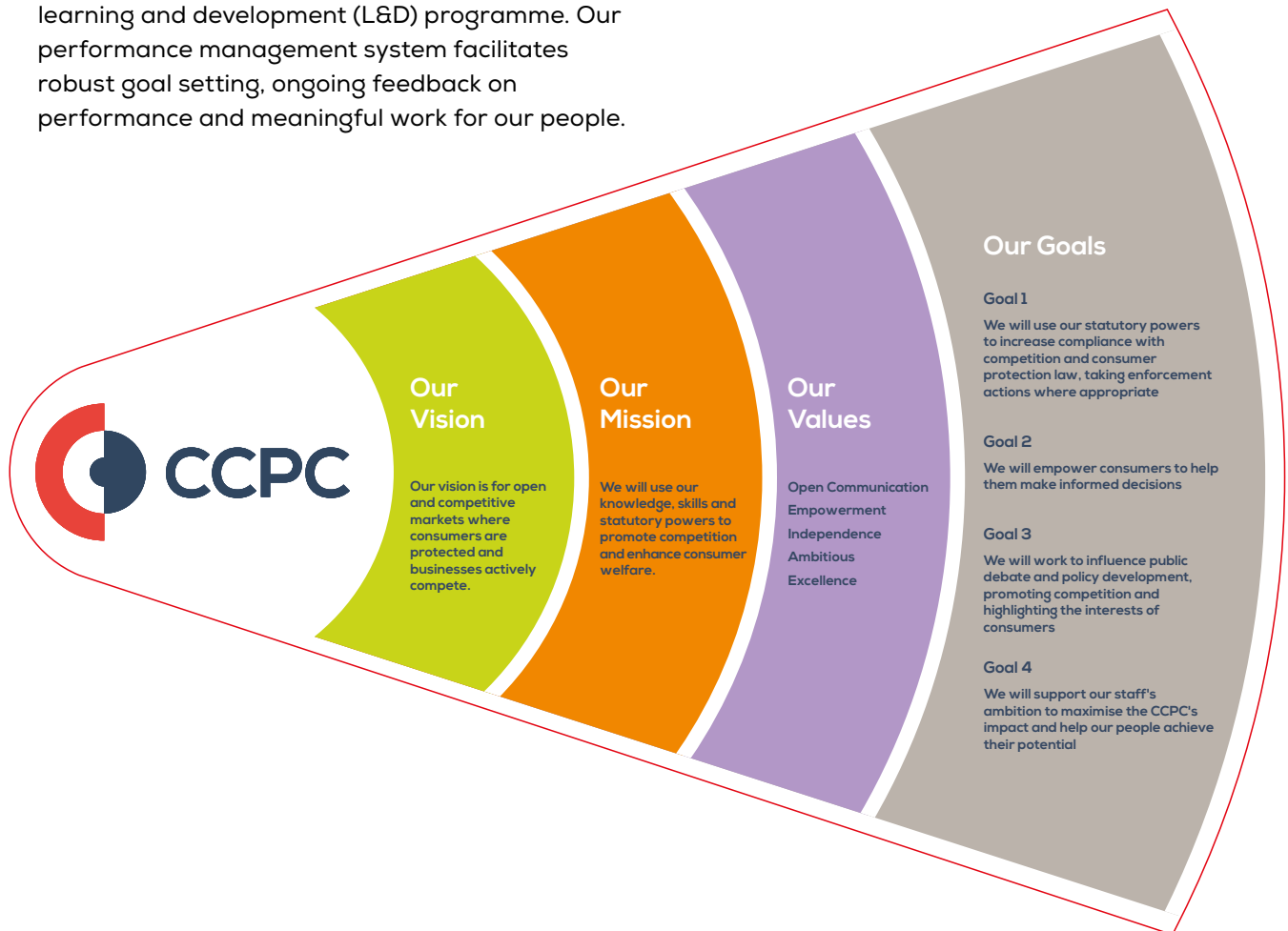
2019 was the second year of our 2018-2020 Strategy Statement. To build on the integrated model of collaborative work planning which we established in 2018, each Division developed work plans which supported our Strategy Statement and connected each staff member's work to our strategic goals and vision. This involved a streamlined reporting process by Directors including monthly reports to the Commission and quarterly Strategic Review meetings between each Director and the Commission to determine progress and outcomes and to identify and agree any necessary changes in direction. The process also allowed for our staff to see how their work impacts on their Division's work plans and, in turn, is connected to our Strategy.

A core priority for us is to develop and improve individuals' skills and capability and, in turn, enhance and recognise performance. We do this through performance management and our learning and development (L&D) programme. Our performance management system facilitates robust goal setting, ongoing feedback on performance and meaningful work for our people.



## Increasing staff capacity to fulfil our broad remit

Throughout 2019, we continued our recruitment drive to build and develop our capacity. During the year, through recruitment, internal promotions and moves, we filled 39 positions across the organisation in multiple disciplines including law, economics, digital investigations, human resources, analytics and communications. By the end of 2019, the CCPC had 105 staff.



We also continued to prepare for the impact of Brexit on our remit. We will continue to fill additional roles in 2020 to ensure that the CCPC has the capacity to deal with the impact of Brexit.

## Diversity and inclusion

The Disability Act 2005 places a statutory obligation on public service organisations to provide support and access to services and facilities for people with disabilities. The CCPC strives to be a diverse and inclusive workplace and continually seek ways to promote and evolve this identity and support the employment of people with disabilities. In 2019, our employee Disability Liaison Officer (DLO) supported our employees by providing specially equipped workspaces, supports and advice to managers and assisted in the implementation of best HR practices in line with equality legislation. To mark the United Nations International Day of Persons with Disabilities, we teamed up with the National Disability Authority (NDA) to deliver an e-learning module on Disability Equality Awareness Training. The training was Continuous Professional Development (CPD) accredited and certification was given to employees that completed it.

As a public sector body, we want our workforce to reflect the diversity in the Irish population and our multicultural society. By the end of 2019, 12 nationalities were represented in our organisation.



## Gender balance

The CCPC is committed to gender equality, and by the end of 2019 had an organisational gender balance ratio of female to males of 50.05 to 49.95. There were more women than men in the senior and middle management category and we are among the 7% of Irish organisations that have a female Chairperson (Central Statistics Office, 2019).

# Reaching our best

## Learning and development goals

Our learning and development (L&D) programme reflects the needs of our people and the organisation and ensures that we have the right skills, knowledge and competence to fulfil our objectives now and into the future. Following on from our evaluation of 2018 programmes, we designed and delivered further bespoke learning and development initiatives in 2019 to support our people in the performance of their roles and to enhance our knowledge management capabilities. These included project management, writing skills, governance, leadership and initiatives related to our enforcement work including mock summons hearings and an on-site E-enforcement workshop.

## Continual personal and professional development

Throughout the year, our people attended 43 internal L&D events and 47 external public events, conferences and seminars. Each staff member had access to over 20 hours of formal learning. On average, staff attended seven events each contributing to their continuing professional development. We also continued to support further formal learning under our Advance of Fees programmes in areas of competition law, business, leadership and governance.

Our commitment to peer-to-peer and on-the-job learning continued with initiatives such as a series of round table discussion forums on consumer crime in our Criminal Enforcement Division. To embed learning from the Certificate in Enforcement Practices developed in 2018, we ran a refresher interactive Authorised Officer programme. This underpinned the CCPC's Enforcement Guidelines and increased the knowledge, skills and the competence of enforcement teams and all authorised officers, ensuring the transfer of tacit knowledge from more experienced staff members.

We continued the evaluation of our programmes and have detailed analysis to bring forward into 2020 to improve how we help our people grow and learn.

## Organisational projects

To enable our people to access what they need, when they need it and to ensure staff can easily tap into our vast body of institutional knowledge, in 2019, we embarked upon a two-phase document management project, which will ultimately result in the implementation of a software solution for document management in the CCPC. The first phase of the project brought together staff from across the organisation, in recognition that document management directly impacts on the day-to-day work of all our people and, therefore, all Divisions should be represented and involved in the development of new practices. The activities of Phase 1 were focused on assessing current practices, identifying opportunities and means for improvement and implementing them through the reorganisation of the file structures that staff use, and through a new Document Management Policy. This phase was successfully completed in November 2019 and has already brought greater efficiency in communications and knowledge sharing across the organisation. We are currently embedding these practices into the organisation. Phase 2, implementation of an electronic document and records management system, will commence in 2020.

In 2019, the CCPC also completed a desk expansion and office reorganisation project. The additional staffing and desk requirements illustrated how the profile of the CCPC has changed and expanded over the course of its time in our building. The refurbishment made the maximum use of the space available in our office without compromising any of the essential facilities that contribute to the high quality work environment our people should expect. Appropriate measures were taken to support our people during this period of change which resulted in minimal disruption to the work and management of Divisions.



## Developing best practice and excellence



*Chairperson Isolde Goggin with Tim Willoughby, Head of Digital Services and Innovation in An Garda Síochána and Breda O'Brien, Public Service Innovation Projects Lead discussing innovation with CCPC staff*

## Innovation Week

To mark the first ever public service-wide Innovation Week, in December, we invited Tim Willoughby, Head of Digital Services and Innovation in An Garda Síochána and Breda O'Brien, Public Service Innovation Projects Lead, to our offices to discuss Innovation Week and what is being done to promote innovation and improved ways of working in the public sector. A number of staff members also shared examples of innovation and how they have enhanced the way we work in the CCPC. During the event, our Chairperson signed a 'Declaration of Innovation' declaring the CCPC's commitment to promoting and developing a culture of innovation.

Some of our people also attended various innovation events run by the Department of Public Expenditure and Reform and we have a permanent representative on the Public Service Innovation Network. Our internal examples of innovation were the feature of our reporting under 'Our Public Service' (OPS) 2020 along with examples that support our other Strategic Goals.

## Leadership, coaching and mentoring

In 2019, we launched our Foundations in Leadership course for people managers. This two-day programme focuses on leading and managing in a coaching and collaborative style.

We ran a request for tender for further leadership initiatives which we will roll out in 2020.

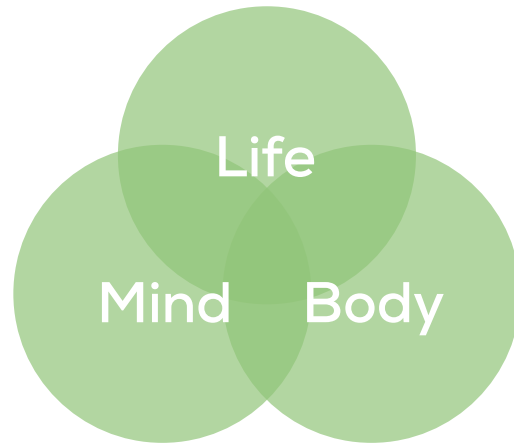
We also supported some of our senior management group with executive coaching as part of their leadership development.

In April 2018, we launched our first formal Mentoring Programme. Mentoring is widely recognised as a valuable support both for personal development and for helping organisations pass on knowledge and experience. This programme continued in 2019 with new pairings of mentors and mentees from different Divisions and levels across the organisation.

Mentoring in the CCPC is a process to support, guide and empower people to help them to achieve their full potential, through an honest relationship based on trust for the benefit of the individual and the organisation.

## Lessons learned

Our practice of conducting "Lessons learned" exercises after major projects and cases continued in 2019. These are essential to improve processes, distil knowledge and share learnings. In 2019, we undertook lessons learned exercises on major cross-Divisional projects and held internal seminars to share the learnings. These learnings will help us to improve our processes, procedures and practices in the future.



## Employee well-being

Increasingly organisations across the public and private sector recognise the importance of employee well-being and good mental health. Our employees are fundamental to the delivery of the CCPC's vision and when our employees are healthy and motivated, their experience and outcomes in the workplace improve.

2019 was the second year of our Well-being Strategy. The aim of the strategy is to provide our staff with the supports and services they need to help them maintain and improve their health and well-being and overall employee engagement.



During the year, Biddy O'Neill, the National Project Lead Health and Wellbeing Programme for Healthy Ireland, visited the Well-being Committee and gave an overview of the national programme. The Well-being

Committee were pleased to learn that as a public sector organisation, we were at an advanced stage with our well-being agenda.

There were 20 well-being initiatives and awareness campaigns in 2019, under three pillars, 'life' 'mind' and 'body'. Here are some examples.



## Mental health awareness

The Annual Green Ribbon campaign takes place every May. The aim of the campaign is to get people talking openly and change attitudes about mental health. Throughout the month, our Well-being Committee organised a number of awareness activities to help staff mind their mental health. 40% of staff attended an on-site mental health talk from Aware on 'Building Strength for the Future'. A week-long digital detox also took place to highlight the need to switch off. The month also focused on how hydration and food can impact on mental health. During the campaign, nutritious treats and infused water were provided to encourage staff to eat well and stay hydrated.



## Corporate social responsibility

### Working with the local community

In 2018, the results of the CCPC's well-being survey highlighted that staff were keen to make a contribution to the local area where we work. On foot of this, our Well-being Committee organised a number of community-based initiatives throughout 2019.

In July, 27 staff members volunteered their time to paint Rutland National School – which is located just around the corner from our offices. Over a two-day period, staff worked in two-hour shifts to paint the school corridors, classrooms and reception area in advance of the children returning to school in September. This was the CCPC's first community corporate social responsibility initiative and as employee engagement on this initiative was extremely positive, our objective for 2020 will be to further build on our partnership with Rutland Community School.



CCPC staff volunteering at Rutland National School

At Easter, in support of 'Inner City Helping the Homeless', our Well-being Committee organised an Easter Egg collection for children and adults in local and emergency accommodation.



Easter egg collection

At Christmas, we donated a large collection of toys, clothes and gift vouchers to our neighbours, St. Vincent de Paul following their 'Giving Tree' appeal. These contributions were distributed to families in the local area during Christmas week.



# CCPC corporate information

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



# The Commission

The Commission is appointed by the Minister for Business, Enterprise and Innovation following an open Public Appointments Service competition for a term not exceeding five years. The Commission conducted a self assessment evaluation of its own performance in 2019. An external evaluation, as required by the Code of Practice for the Governance of State Bodies, was also completed during 2019.

| Board Member   | Role               | Date Appointed                       |
|----------------|--------------------|--------------------------------------|
| Isolde Goggin  | <i>Chairperson</i> | 1 October 2016<br>(date renewed)     |
| Patrick Kenny  | <i>Member</i>      | 9 January 2017<br>(date renewed)     |
| Fergal O Leary | <i>Member</i>      | 18 July 2016<br>(date appointed)     |
| Brian McHugh   | <i>Member</i>      | 1 September 2017<br>(date appointed) |

The Commission meets at least twice monthly to:

- review CCPC activities.
- provide direction and strategic guidance in particular areas.
- make formal decisions.

Each Member and the Chairperson has a vote and the Chairperson can cast a deciding vote where necessary. The vast majority of decisions are made on a consensus basis without the need for formal votes. The following is a non-exhaustive list of matters reserved for decision by the Commission:

1. Major investments and capital projects.
2. Delegated authority levels, financial policy and risk management policies.
3. Approval of terms of major contracts, annual budgets and corporate plans.
4. Assurances of compliance with statutory and administrative requirements in relation to the approval of the appointment, number, grading and conditions of all staff, including remuneration and superannuation.
5. Approval of annual reports and financial statements.
6. Making a determination following a full investigation that a merger may/may not be put into effect.

7. Initiating civil proceedings in the Circuit Court or High Court in respect of a breach of section 4 or 5 of the Competition Act 2002 or Articles 101 or 102 of the Treaty of the Functioning of the European Union.
8. Initiating a prosecution in relation to an offence under section 47 of the Consumer Protection Act 2007.
9. Referring a file to the DPP for involvement in an alleged cartel.
10. Making a recommendation to the DPP to grant or revoke conditional immunity in relation to involvement in a cartel.
11. Exercising functions in relation to Grocery Goods under the Consumer Protection Act 2007.

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

## Managing risk

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

Risk is managed in the CCPC through formal, quarterly reviews and approval by the Commission of changes to the corporate risk register, which identifies the principal risks to the organisation. In addition, the CCPC requires each Division to keep an up to date register of its risks and to inform the Chief Risk Officer of any significant changes to these risks. The Chief Risk Officer reports to the Commission every month on any significant changes to Divisional risk registers or reports of risk incidents, as appropriate.

In 2019, the CCPC further strengthened its risk management policy and procedures through:

- Embedding the process of holding dedicated risk challenge meetings between the Commission and the owners of each Divisional risk register.
- Implementing any remaining internal audit recommendations on the risk management process.
- Strengthening the CCPC’s risk management policy, including introducing a risk appetite statement.

## Audit and Risk Committee

The role of the Audit and Risk Committee is to support the Commission in relation to its responsibilities for issues of risk, control and governance, and associated assurance. The Audit and Risk Committee is independent in the performance of its functions and is not subject to direction or control from any other party. The roles and responsibilities of the CCPC’s Audit and Risk Committee are set out in its Charter and Terms of Reference, as approved by the Chairperson of the CCPC. Its work programme is guided by the obligations laid down under the 2016 Code of Practice for the Governance of State Bodies (2016 Code). In particular, the Committee ensures that the internal control systems, including audit activities, are monitored actively and independently. The Audit and Risk Committee reports to the Commission after each meeting and formally, in writing, annually.

Membership of the Audit and Risk Committee during 2019 comprised of: Conor Blackwell (Chairperson), Patrick Kenny, Jimmy Murphy and Carmel Foley.

The Committee met four times in 2019, detailed in the table below:

| Committee Member                          | Meeting took place in: |     |      |     |       |
|---|------------------------|-----|------|-----|-------|
|   | Mar                    | May | Sept | Dec | Total |
| Conor Blackwell<br><i>Chairperson</i>     | x                      | x   | x    | x   | 4/4   |
| Patrick Kenny<br><i>Commission Member</i> | x                      | x   | x    | x   | 4/4   |
| Carmel Foley<br><i>External Member</i>    | x                      | x   | x    | x   | 4/4   |
| Jimmy Murphy<br><i>External Member</i>    | x                      | x   | x    | x   | 4/4   |

## Internal audit

The CCPC has a properly constituted internal audit function which reports to the Audit and Risk Committee. The internal audit function operates in accordance with the 2016 Code. The following reviews were carried out in 2019:

- Business Continuity and Disaster Recovery.
- Competition Enforcement and Mergers Competence and Capacity.
- Review of Procurement.
- Review of Effectiveness of Internal Controls.
- A follow up review in respect of the recommendations made in 2017 and 2018 internal audit reviews.

Progress on the implementation of associated recommendations was also reported to the Audit and Risk Committee.

## Corporate governance

The CCPC conducts its activities in a manner consistent with its underpinning legislation, the Competition and Consumer Protection Act 2014, and other statutory responsibilities. As a public body, the CCPC has a duty to comply with a range of legislation. Some examples of legislation the CCPC complied with throughout 2019 include:

## Freedom of information

The CCPC continues to meet its obligations in relation to the Freedom of Information Act 2014. In 2019, 31 Freedom of Information requests were received by the CCPC. Of these, five were granted, 16 were part granted, and five were withdrawn/handled outside the Freedom of Information legislation. Five were carried into 2020.

## Data protection

The CCPC is committed to protecting the integrity of personal data supplied by those who contact us and third parties. The CCPC monitors all methods of personal data processing to ensure ongoing compliance with the Data Protection Act 2018 and the EU General Data Protection Regulation (GDPR). The CCPC has published detailed privacy notices on its website so that all who engage with us can understand how we treat any personal data that we process, and understand how they can exercise their data protection rights.

## Ethics, standards and behaviour

The provisions of the Ethics in Public Office Act 1995 – 2001 and the Standards in Public Office Act 2001 are implemented in the CCPC. In 2019, all CCPC employees who held designated directorships or occupied designated positions of employment, prescribed by regulation for the purposes of the Ethics Legislation (i.e. the Ethics in Public Office Acts 1995 and 2001), submitted Statements of Interest as required by the legislation. In addition, the CCPC has a Code of Conduct, which was reviewed and revised during 2019, that sets out the principles, standards and values that CCPC employees are expected to adhere to. All employees were required to attend briefing sessions on the revised Code of Conduct.

## Protected disclosures

As a public body, the CCPC is required under section 22 of the Protected Disclosures Act 2014 to publish an annual report in relation to the number of protected disclosures made to it in the preceding year, and the action taken in response to any such protected disclosures. Four such disclosures were received and were duly investigated in accordance with the CCPC's protected disclosures policy.

## Health and safety

The CCPC complies with its statutory responsibilities under the Health, Safety and Welfare at Work Act 2005 and all relevant regulations under this Act. The CCPC has appointed Safety Officers and representatives to promote a safe and healthy work environment. Activities included weekly fire safety audits and ergonomic assessments for new and existing staff. 2019 also saw the introduction of monthly safety audits.

## Energy consumption

The CCPC reports its energy management and performance data to the Sustainable Energy Authority of Ireland on an annual basis, as required by Statutory Instrument 426 of 2014. The CCPC has exceeded its objective to improve energy efficiency by 33% by 2020. Building on the "33% by 2020" target, the CCPC continues to seek opportunities to implement energy saving initiatives.

## Prompt payments

The CCPC complies with the Prompt Payment of Accounts Act 1997 and the European Communities (Late Payment in Commercial Transactions) Regulations 2002. Our Prompt Payment Returns are published on our website. In 2019, 88% of all payments were made within 15 days and a further 10% were made within 30 days. Payments made outside of 30 days accounted for 2% of total payments. The majority of the payments made over 30 days were under query.

## Other governance matters in 2019

Throughout 2019, the CCPC continued a programme of work to ensure its ongoing compliance with the Code of Practice for the Governance of State Bodies (2016).

A written Oversight and Performance Delivery Agreement (OPDA) was put in place between the CCPC and our parent Department, DBEI, which clearly defined the terms of the relationship. In 2019, the CCPC prepared quarterly reports for the DBEI, outlining how we fulfilled our commitments under the OPDA. In addition, four formal OPDA meetings between the CCPC and DBEI officials took place.

## Customer Service Charter

The CCPC has a Customer Service Charter, available in the 'About Us' section of our website, [ccpc.ie](http://ccpc.ie). The charter sets out our commitment to a high-quality customer service and provides information on the quality of service customers can expect when they interact with the CCPC. Any complaint regarding the services of the CCPC is investigated as a matter of priority. The CCPC continued to adhere to its customer service commitments during 2019 and can report that no complaints were lodged in relation to our commitments under the charter. We employ a range of measures to ensure that we continue to improve the overall quality of our service. Our Customer Action Plan lists the actions we intend to take to continuously progress our commitments. These actions have associated performance indicators and the CCPC performed effectively against them in 2019.

## 2019 Financial statements

The CCPC's budget allocation in 2019 was €13,100,000, of which €10,500,000 was provided from exchequer funding and €2,600,000 came from a financial services industry levy, in respect of specific personal finance information and education functions in the financial sector.

At the time of writing, the annual draft financial statements for the year 1 January 2019 – 31 December 2019, report expenditure of €9,732,193 for grant-assisted activities and €2,605,600 for levy funded activities. The Office of the Comptroller and Auditor General will audit the financial statements. The financial statements are prepared on the accruals basis of accounting, except in respect of the Oireachtas Grant, which is prepared in accordance with generally accepted accounting principles.

## Levy on financial service providers

The CCPC has the power to impose levies on regulated financial service providers under the powers conferred on it by section 24B of the Consumer Protection Act 2007 (as inserted by the Central Bank Reform Act 2010). Levies were imposed by regulations made under this section. A rate of over 99% of the total 2019 levy amount imposed was successfully collected from approximately 400 financial services companies.

## Chairperson and Commission Member expenses (1 January 2019–31 December 2019)

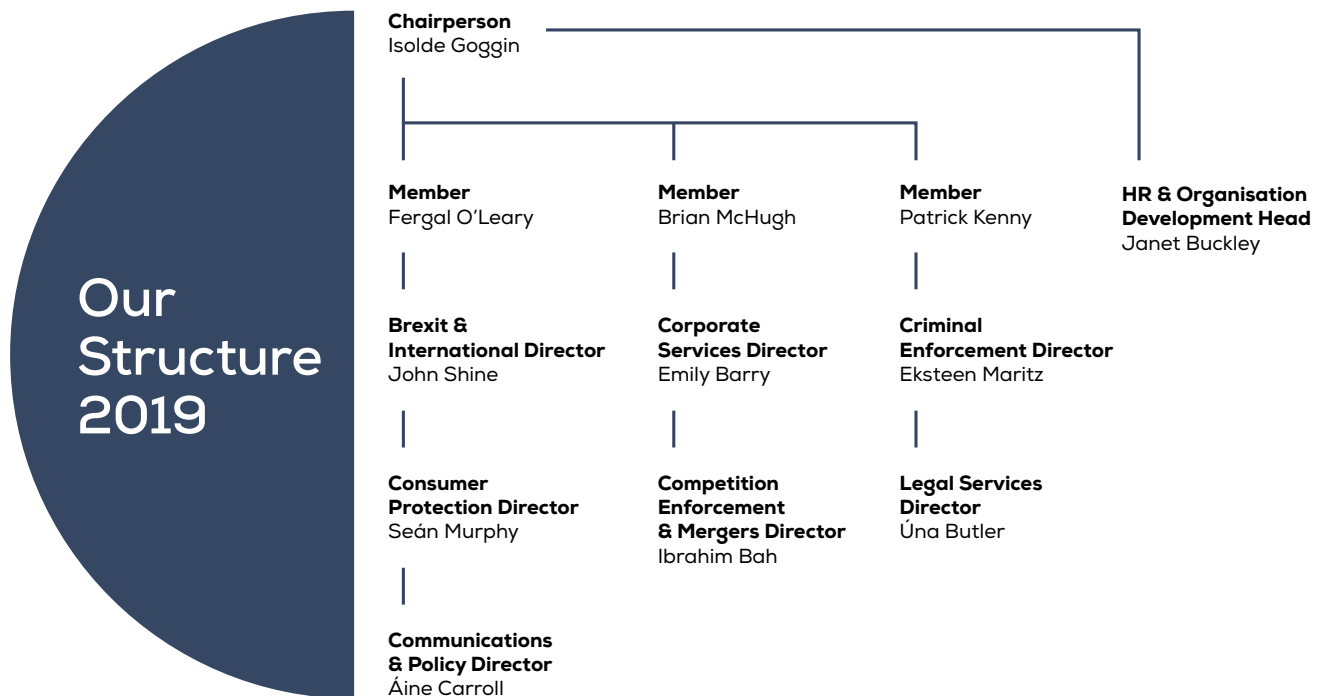
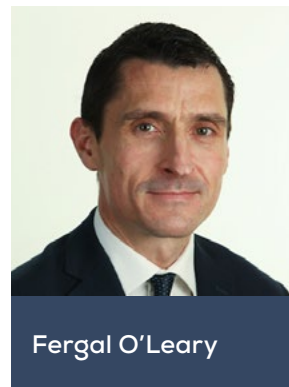
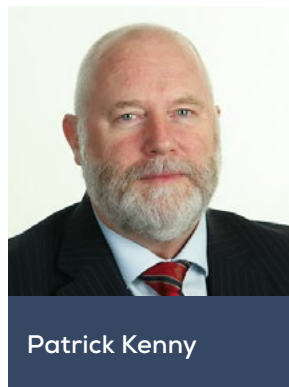
|                |        |
|----------------|--------|
| Isolde Goggin  | €8,470 |
| Patrick Kenny  | €4,470 |
| Fergal O Leary | €336   |
| Brian McHugh   | €1,595 |

## Remuneration

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

# Appendix 1: Organisational chart

The CCPC is governed by a Chairperson and Commission. Isolde Goggin is the Chairperson and during 2019 there were three Members – Patrick Kenny, Fergal O’Leary and Brian McHugh. Each Member oversaw a number of Divisions in the CCPC on behalf of the Commission.



# Appendix 2:

## Consumer protection list

### Consumer protection enforcement concluded in 2019

#### 1. Convictions/fines, penalties/compensations/compensation Orders

Total number of convictions: Two

On 21 February 2019, at Galway District Court, following an investigation by the CCPC Kevin McGann was convicted of providing false information to a consumer in relation to the usage or prior history of a motor vehicle, namely the motor vehicle's previous crash history, which caused the consumer to make a transactional decision that they would not otherwise have made, thereby engaging in a misleading commercial practice which is a prohibited act or practice within the meaning of section 67 of the Consumer Protection Act 2007. The judge convicted him on two separate offences pursuant to section 47 of the Consumer Protection Act 2007.

The judge ordered:

- Kevin McGann serve a four-month sentence suspended for 12 months.
- Kevin McGann pay a compensation order of €7,405.85 in favour of the consumer which was the full amount sought.
- Kevin McGann pay a costs order of €9,500 in favour of the CCPC, which was the full amount sought.

On 9 July 2019, at Dublin District Court 8, following an investigation by the CCPC, Mark Healy was convicted of providing false information to a consumer in relation the motor vehicle's previous crash history, and caused the consumer to make a transactional decision that the they would not otherwise have made, thereby engaging in a misleading commercial practice which is a prohibited act or practice within the meaning of section 67 of the Consumer Protection Act 2007. The judge convicted him of engaging in a misleading commercial practice, an offence pursuant to section 47 of the Consumer Protection Act 2007.

The judge ordered:

- Mark Healy pay a fine of €500.
- Mark Healy pay a compensation order of €8,277 in favour of the consumer, which was the full amount sought.
- Mark Healy pay a costs order of €4,000 (plus VAT) in favour of the CCPC, which was the full amount sought.
- All three payment orders were to be paid within six months.

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

Total number of undertakings: 0

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

Total number of Compliance Notices that took effect: 19

#### Legislation breached

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

#### James Darcy, 5 Rivervally Road, Swords, Co.Dublin

On 15 February 2019, the CCPC served a Compliance Notice on James Darcy after an investigation established that he had provided false information to the consumer in relation to the motor vehicle's previous crash history, and caused the consumer to make a transactional decision that they would not otherwise have made, thereby engaging in a misleading commercial practice which is a prohibited act or practice within the meaning of section 67 of the Consumer Protection Act 2007. The Compliance Notice directed him to:

- Comply with the prohibition on misleading commercial practices provided by section 42(1) of the Consumer Protection Act 2007.

- 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 vehicles advertised or offered for sale.
- Remedy the matter occasioning this notice by compensating the consumer in the amount of €3,051.10, such sum to be lodged to the account of the CCPC.

### **Sam Campbell, The Car Crew, 4-5 Burton Hall Road, Sandyford, Dublin 18**

On 9 April 2019, the CCPC served a Compliance Notice on Sam Campbell after an investigation established the trader had provided false information to the consumer in relation the motor vehicle’s mileage, and caused the consumer to make a transactional decision that they would not otherwise have made, thereby engaging in a misleading commercial practice which is a prohibited act or practice within the meaning of section 67 of the Consumer Protection Act 2007.

The Compliance Notice directed them to:

- Comply with the prohibition on engaging in a misleading commercial practice provided by section 42(1) of the Consumer Protection Act 2007.
- Cease engaging in misleading commercial practices contrary to section 47 and as described by section 43 of the Consumer Protection Act 2007.
- 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.
- Ensure that a record of the due diligence carried out on the history and usage referred to in paragraph 4) above is maintained for a period of three years from the date of advertisement or the date of sale, whichever is later, of every used vehicle advertised or offered for sale.

### **Mybrook Motors Limited, 13 Kilgarron Park, Enniskerry, Co. Wicklow**

On 9 April 2019, the CCPC served a Compliance Notice on Mybrook Motors Limited after an investigation established the trader had provided false information to the consumer in relation to the motor vehicle’s mileage, and caused the consumer to make a transactional decision that they would not otherwise have made, thereby engaging in a misleading commercial practice which is a prohibited act or practice within the meaning of section 67 of the Consumer Protection Act 2007.

The Compliance Notice directed them to:

- Comply with the prohibition on engaging in a misleading commercial practice provided by section 42(1) of the Consumer Protection Act 2007.
- Cease engaging in misleading commercial practices contrary to section 47 and as described by section 43 of the Consumer Protection Act 2007.
- Provide true and accurate information in all Mybrook Motors Limited 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 Mybrook Motors Limited.
- Ensure that appropriate due diligence is carried out on the history and usage of every motor vehicle offered for sale by Mybrook Motors Limited.
- Ensure that a record of the due diligence carried out on the history and usage referred to in paragraph 4) above is maintained for a period of three years from the date of advertisement or the date of sale, whichever is later, of every used vehicle advertised or offered for sale by Mybrook Motors Limited.

### **Legislation breached**

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

## Carlow

### **The Range (Ireland) Limited, trading at The Range, Four Lakes Retail Park, Carlow, Co. Carlow**

On 31 October 2019, the CCPC served a Compliance Notice on The Range (Ireland) Limited in relation to their premises at The Range, Four Lakes Retail Park, Carlow, Co. Carlow, directing it to do the following:

- Cease engaging in the misleading commercial practice, of providing false information in relation to the price of a product, 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.

## Cork

### **DSG Retail Ireland Limited, trading at Currys PC World and Carphone Warehouse, Unit 6, Mahon Point Retail Park, Cork**

On 31 October 2019, the CCPC served a Compliance Notice on DSG Retail Ireland Limited in relation to their premises at Currys PC World and Carphone Warehouse, Unit 6 Mahon Point Retail Park, Cork, directing it to do the following:

- Cease engaging in the misleading commercial practice, of providing false information in relation to the price of a product, 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.

### **Lidl Ireland GmbH, trading at Lidl, Ballyvolane, Cork**

On 31 October 2019, the CCPC served a Compliance Notice on Lidl Ireland GmbH in relation to their premises at Lidl, Ballyvolane, Cork, directing it to do the following:

- Cease engaging in the misleading commercial practice, of providing false information in relation to the price of a

product, 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.

## Dublin

### **DSG Retail Ireland Limited, trading at Currys PC World, Unit 11, Airside Retail Park, Swords, Co. Dublin, K67 FY06**

On 4 November 2019, the CCPC served a Compliance Notice on DSG Retail Ireland Limited in relation to their premises at Currys PC World, Unit 11, Airside Retail Park, Swords, Co. Dublin, K67 FY06, directing it to do the following:

- Cease engaging in the misleading commercial practice, of providing false information in relation to the price of a product, 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.

### **DSG Retail Ireland Limited, trading at Currys, Unit 15, Liffey Valley Retail Park, Clondalkin, Dublin 22**

On 5 November 2019, the CCPC served a Compliance Notice on DSG Retail Ireland Limited in relation to their premises at Currys, Unit 15, Liffey Valley Retail Park, Clondalkin, Dublin 22, directing it to do the following:

- Cease engaging in the misleading commercial practice, of providing false information in relation to the price of a product, 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.

## **McDonald's Restaurants of Ireland Limited, trading at McDonalds Restaurant, Omni Park Shopping Centre, Swords Road, Whitehall, Dublin 9**

On 4 November 2019, the CCPC served a Compliance Notice on McDonald's Restaurants of Ireland Limited, trading at McDonalds Restaurant, Omni Park Shopping Centre, Swords Road, Whitehall, Dublin 9, directing it to do the following:

- Cease engaging in the misleading commercial practice, of providing false information in relation to the price of a product, 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.

## **Only Stores Ireland Limited, trading at ONLY, Unit 37, Omni Park Shopping Centre, Santry, Dublin 9**

On 5 November 2019, the CCPC served a Compliance Notice on Only Stores Ireland Limited, in relation to their premises at ONLY, Unit 37, Omni Park Shopping Centre, Santry, Dublin 9, directing it to do the following:

- Cease engaging in the misleading commercial practice, of providing false information in relation to the price of a product, 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.

## **Panabase Limited, trading at FX Buckley, 2 Crow St, Temple Bar, Dublin 2**

On 4 November 2019, the CCPC served a Compliance Notice on Panabase Limited, in relation to their premises at FX Buckley, 2 Crow St, Temple Bar, Dublin 2, directing it to do the following:

- Cease engaging in the misleading commercial practice, of providing false information in relation to the price of a product, 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.

## **The Range (Ireland) Limited, trading at The Range, 5 Clonshaugh Road, Priorswoods, Northside, Dublin, D17 TY30**

On 29 October 2019, the CCPC served a Compliance Notice on The Range (Ireland) Limited in relation to their premises at The Range, 5 Clonshaugh Road, Priorswoods, Northside, Dublin, D17 TY30, directing it to do the following:

- Cease engaging in the misleading commercial practice, of providing false information in relation to the price of a product, 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.

## Limerick

### **John Gleeson Newsagents Limited, trading at Gleesons Spar, Castletroy Retail Park, Castletroy, Limerick, County Limerick, V94K821**

On 29 October 2019, the CCPC served a Compliance Notice on John Gleeson Newsagents Limited, trading at Gleesons Spar, Castletroy Retail Park, Castletroy, Limerick, County Limerick, V94K821, 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.

### **The Range (Ireland) Limited, trading at The Range, Unit 1 Childers Retail Park, Childers Road, Limerick**

On 31 October 2019, the CCPC served a Compliance Notice on The Range (Ireland) Limited, trading at The Range, Unit 1 Childers Retail Park, Childers Road, Limerick, 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.

## Offaly

### **Argos Distributors (Ireland) Ltd, trading at Argos, Tullamore Retail Park, Cloncollog, Tullamore, Co. Offaly**

On 31 October 2019, the CCPC served a Compliance Notice on Argos Distributors (Ireland) Ltd, trading at Argos, Tullamore Retail Park, Cloncollog, Tullamore, Co. Offaly, 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.

### **Heatons Unlimited Company, trading at Sports Direct, Tesco Shopping Centre, Dublin Road, Edenderry, Co. Offaly**

On 31 October 2019, the CCPC served a Compliance Notice on Heatons Unlimited Company, trading at Sports Direct, Tesco Shopping Centre, Dublin Road, Edenderry, Co. Offaly, 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.

## Tipperary

**Blessen Sebastian, trading at Al-Baraka Foods Store, 6/7 Marystone Centre, Gladstone Street, Clonmel, Co. Tipperary, E91 A2C8**

On 7 November 2019, the CCPC served a Compliance Notice on Blessen Sebastian, trading at Al-Baraka Foods Store, 6/7 Marystone Centre, Gladstone Street, Clonmel, Co. Tipperary, E91 A2C8, 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.
- To amend its pricing practice to ensure that the price that the consumer has to pay for the product matches the displayed price.

## Westmeath

**Argos Distributors Ireland Limited, trading at Argos, Golden Island Shopping Centre, Athlone, Co. Westmeath**

On 5 November 2019, the CCPC served a Compliance Notice on Argos Distributors Ireland Limited, trading at Argos, Golden Island Shopping Centre, Athlone, Co. Westmeath, 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.

## Wicklow

**John Pettitt & Son Limited, trading at Pettitt's Supervalu, Wexford Road, Arklow, Co. Wicklow**

On 4 November 2019, the CCPC served a Compliance Notice on John Pettitt & Son Limited, trading at Pettitt's Supervalu, Wexford Road, Arklow, Co. Wicklow, 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.

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

Total Number of Fixed Payment Notices (FPNs)  
paid: 32

### Legislation breached

Failing to indicate the selling price of a product,  
in contravention of Regulation 4(1) and thus  
committing an offence contrary to Regulation 4(3)  
of the European Communities (Requirements to  
Indicate Product Prices) Regulations 2002.

Total number of FPNs: 29 (these are listed  
alphabetically by county).

### Clare

- Umar Anwar trading at Innovate, 12 Parnell Street, Ennis, Co Clare, V95XE13 – **received two FPNs.**

### Dublin

- Arnotts Limited trading at Arnotts, 7-15 Henry Street, Dublin, D01 C3Y9.
- Ballyowen Stores Ltd trading at Eurospar, Ballyowen Castle Shopping Centre, Lucan, Co. Dublin.
- Beshoffs The Market Limited trading at Beshoffs The Market, 17-18 West Pier, Howth, Co. Dublin, D13 V9V0 – **received two FPNs.**
- C&C Retail Ltd trading at Eurospar, 19-20 Dame Street, Dublin 2 – **received two FPNs.**
- Circle K Ireland Retail Limited trading at Circle K, Kennelsfort Road Upper, Palmerstown, Dublin 20.
- Dealz Retailers Ireland Limited trading at Dealz, 13-14 Liffey Street Lower, Dublin 1 – **received two FPNs.**
- DSG Retail Ireland Limited trading at Currys PC World, Unit 11, Airside Retail Park, Swords, Co. Dublin, K67 FY06.
- Euro General Retail Limited trading at Euro Giant Express, Unit 103, Level 1, The Square, Belgard Square East, Dublin 24, D24 XAW7.
- Heatons Unlimited Company trading at Heatons, 39 Northside Shopping Centre, Oscar Traynor Road, Coolock, Kilmore, Dublin 17, D17 K244.

- Nandan Trading Limited trading at World of Spices, 17 Talbot Street, Dublin 1.
- Shir Brothers Limited trading at Asian Food Co., 54-55 Mary Street, Dublin 1, D01 DH76.
- The Range (Ireland) Limited trading at The Range, 5 Clonshaugh Road, Priorswoods, Northside, Dublin, D17 TY30 – **received two FPNs.**
- The Range (Ireland) Limited trading at The Range, The Retail Park, Liffey Valley, Dublin 22 – **received two FPNs.**

### Galway

- Ganly's Hardware & Heating Limited trading at Ganly's, Mountbellew, Co Galway – **received two FPNs.**

### Kildare

- Tridaned Ltd trading at Daniels Today's Extra, Derrinturn, Carbury, Co. Kildare.

### Limerick

- John Gleeson Newsagents Limited trading at Gleesons Spar, Castletroy Retail Park, Castletroy, Limerick, County Limerick, V94K821.

### Tipperary

- Kathleen Donlon trading at Tony's Tipp Top Shop, Ballycommon, Nenagh, Co. Tipperary – **received two FPNs.**

### Wexford

- Heatons Unlimited Company trading at Sports Direct, 56-60 South Main Street, Wexford, Co. Wexford.
- Umar Anwar trading at Innovate, Unit 5 Key West, Wexford, Co Wexford, Y35K802.

### Wicklow

- Gamestop Limited trading at Gamestop, 8 Main Street, Bray, Co. Wicklow, A98 A4A0.

## Legislation breached

Failing to display a notice as required by Article 3 of the Retail Price (Beverages in Licensed Premises) Display Order 1999.

**Total number of FPNs: 1**

- Edward Donnelly trading at Donnelly's, Clogherstown, Clonalvy, Garristown, Co Meath.

## Legislation breached

Failing to display a notice as required by Article 3 of the Charges (Hairdressing) Display Order, 1976.

**Total number of FPNs: 1**

- Winnah Rose Hairdressing Limited trading at Ni Lásaigh Hairdressing, 47 Main Street, Carrick-on-Suir, Co. Tipperary.

## Legislation breached

Failing to display a notice as required by Article 3 of the Retail Prices (Food in Catering Establishments) Display Order, 1984.

**Total number of FPNs: 1**

- Belfry Hospitality Services Ltd trading at Toughers Steakhouse, Newhall, Naas, Co. Kildare.

# Appendix 3: Statement on Internal Control

## Scope of responsibility

On behalf of the Competition and Consumer Protection Commission, 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 them. 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 2019 and up to the date of approval of the financial statements.

## Capacity to handle risk

The Audit and Risk Committee comprises a Chairperson and three members (two of whom are external / independent). The ARC met four times in 2019.

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 Audit and Risk Committee. The following external reviews were carried out in 2019:

- Review of Effectiveness of Internal Controls.
- Business Continuity and Disaster Recovery.
- Competition Enforcement and Mergers Competence and Capacity.
- Review of Procurement.
- A follow up review in respect of the recommendations made in 2017 and 2018 internal audit reviews.

The Commission has developed a risk management policy which 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 on an annual basis and, where revisions are approved, is presented to the CCPC's Audit and Risk Committee for review.

## Risk and control framework

The CCPC has implemented a risk management system which 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 which identifies the key risks facing the CCPC and these have been identified, evaluated and graded according to their significance. The register is reviewed and updated by the Commission on a quarterly basis. 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 Audit and Risk Committee meeting along with a memo detailing any changes, including the reasoning for such changes.

The systems of Internal Control are 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.

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.
- Clearly defined management responsibilities, including financial responsibilities which have been assigned with corresponding accountability.
- 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 Directors/Heads of Unit.
- Mechanisms and systems aimed at ensuring the security of the Information and Communication Technology (ICT) systems.

- 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, DBEI.

## 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.
- Regular reviews by the Commission and senior management of periodic and annual performance and financial reports which indicate performance against budget and forecasts.

## Procurement

We confirm that during 2019 the CCPC has 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 2019. 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 was carried out in late 2019.

The Commission is reasonably assured that the system of Internal Control instituted and implemented in the CCPC for the financial year ended 31 December 2019 is effective.

## Internal control issues

| Details of weaknesses  | Mitigating actions  |
|--|---|
| <p><b>Procurement</b></p> <p>The 2017 audit found:</p> <p>That no current procurement contract was in place in respect of expenditure on mobile phone services in an amount of €37,000 (approx.).</p> <p>A separate issue was identified during 2018 in relation to procurement:</p> <p>This issue relates to a difference between the contract duration on the RFT and Award Notice versus the final contract for media buy services. Both the RFT and the Award Notice made reference to a contract duration of two years with the provision for one 12 month extension, however, due to an administration error, the duration on the signed contract provided for two 12 month extensions. The first attempt at a formal procurement process for a replacement service using an OGP framework wasn't successful, due to issues with the pricing schedule, which meant that the second 12 month extension, provided for in the contract, had to be used.</p> | <p>The formal procurement of mobile phone services was part of ICT procurement in Q2 2019 and a new contract is now in place. The value of non-compliant spend on these services in 2019 was €14,835.</p> <p>A second attempt at procurement of a replacement service has been completed with a new contract in place since Q2 2019. The value of non-compliant spend on these services in 2019 was €38,101.</p> <p>An internal audit on procurement took place in 2019 and the audit noted that the existing controls, risk and governance in place in relation to procurement are basically sound and can provide a satisfactory level of assurance regarding the effective and efficient achievement of CCPC's objectives.</p> |

On behalf of the Competition and Consumer Protection Commission:



**Isolde Goggin**

Chairperson



**Brian McHugh**

Member



