



An Roinn Post, Fiontar agus Nuálaíochta
Department of Jobs, Enterprise and Innovation

Consultation on draft regulations in the grocery goods sector

December 2014

The [Competition and Consumer Protection Act 2014](#) came into force on 31 October 2014. [Part 6](#) of that Act contained enabling provisions which gives the Minister for Jobs, Enterprise and Innovation the power to introduce regulations to regulate certain practices in the grocery goods sector.

As promised by the Minister during the passage of the legislation through the Houses of the Oireachtas, draft regulations are now being circulated to stakeholders for any inputs or observations before the regulations are brought into force.

The draft [Consumer Protection Act 2007 \(Section 63B\) \(Regulation of Aspects of the Commercial Relationships Between Suppliers and Relevant Grocery Goods Undertakings\) Regulations 2015](#) cover the supply of food and drink (as defined) between retailers and wholesalers on one side and suppliers on the other. Submissions are now being invited on this draft set of Regulations.

Apart from inputs on the draft regulations as circulated, comments are also requested to address the following related questions:

- The Act provides that Guidelines may also be issued in respect of any regulations brought into force: suggestions as to what might be included in any such Guidelines would be appreciated (in relation to the draft Regulations);
- In relation to household cleaning products and toiletries (which the Act also foresees may be covered by regulations), which specific provisions in the draft Regulations (covering food and drink) should be included in any separate regulations covering such products?
- In relation to large suppliers which supply smaller retailers (viz. those with an annual turnover of less than €50 million), which specific provisions in the draft Regulations (covering food and drink) should be included in any separate regulations covering such situations?
- In relation to garden plants and bulbs (which the Act also foresees may be covered by regulations), the Department is currently examining the comments and inputs received as a result of the recent consultation process held in the matter. Notwithstanding this examination, which specific provisions in the draft Regulations (covering food and drink) should be included in any separate regulations covering garden plants and bulbs?

As the Department will be drawing-up a Regulatory Impact Analysis (RIA) in relation to the introduction of the proposed Regulations, the Department invites interested parties to supply an estimate of the likely cost in meeting the compliance provisions of the proposed Regulations (as currently drafted and as appended to this letter) e.g. in terms of the provision of training, maintenance of records, compliance reports, legal advice, responding to disputes, responding to enforcement audits, etc. It is fully appreciated that it may be difficult to provide precise estimates of these costs: hopefully, however, interested parties will be in a position to provide indicative information in relation to the likely additional regulatory cost that could arise were such Regulations to be introduced on the basis of the draft supplied. In addition to the foregoing, the Department would be glad to receive any other information that interested parties consider relevant in the area of administrative costs/burdens arising or benefits from the introduction of the draft Regulations.

Closing Date

Submissions on the draft regulations are requested no later than **close of business on Friday 27 February 2015**. Submissions should be marked “Grocery Regulations Consultation” and can either be e-mailed to conspol@djei.ie or sent in hard copy to -

Competition and Consumer Policy Section,
Department of Jobs, Enterprise and Innovation,
Earlsfort Centre,
Earlsfort Terrace
Lower Hatch St.,
Dublin 2.

Freedom of Information

Attention is drawn to the fact that information provided to the Department may be disclosed in response to a request under the Freedom of Information Act 2014. Therefore, should it be considered that any information provided is commercially sensitive, please identify same, and specify the reason for its sensitivity. The Department will consult with interested parties making submissions regarding information identified by them as sensitive before making a decision on any Freedom of Information request. Any personal information, which you volunteer to this Department, will be treated with the highest standards of security and confidentiality, strictly in accordance with the Data Protection Acts 1988 and 2003.

Publication of submissions

The Department may also decide to place any submissions received by it on the Department’s website. A decision on any such placement may occur **without prior consultation** with respondents to this consultation process. Thus, it is in the interests of respondents to highlight, in their submissions, any commercially sensitive or confidential information at the time of submission.

Queries

Further information may be obtained by contacting Competition and Consumer Protection Section of the Department at 01-6312612 (Paul Brennan) (or at paul.brennan@djei.ie) or Kieran Grace at 01-631.26.12 (or at kieran.grace@djei.ie).