



Rialtas na hÉireann
Government of Ireland

Periodic Critical Review - Competition and Consumer Protection Commission

October 2024



Executive Summary	1
Chapter 1 - Introduction	3
Periodic Critical Review Requirement	3
Methodology and Governance	3
Purpose and Scope	3
CCPC Objectives	5
Expansion of CCPC Mandate	5
Report Structure	5
Chapter 2 - External Environment.....	6
Introduction	6
Amalgamation of NCA and TCA	6
Efficiencies and Synergies	7
International Comparisons	8
CCPC Statutory Mandate and Functions 2014	8
CCPC Organisational Structure	11
CCPC in 2024 - Enhanced and Expanded Mandate	12
Recommendation	14
Chapter 3 - CCPC Performance.....	15
Introduction	15
Controls	16
Competition Enforcement and Compliance	22
Consumer Protection Enforcement and Compliance	28
Product Safety Enforcement and Compliance	31
Other Enforcement Functions	32
Research, Analysis and Advice	33
Public Information	39
European Engagement	44
International Engagement	46
CCPC and Other National Regulators	46
CCPC Impacts	47
Recommendations	47
Chapter 4 – CCPC Capacity	48
Introduction	48

Governance	48
Organisational Structure	50
Human Resources	52
Income and Expenditure	59
Management Systems	61
Location and Accommodation	62
Recommendations	63
Chapter 5 - Conclusions and Recommendations	64
Annex 1: CCPC as National Competent Authority.....	69
CCPC as Sole National Competent Authority.	69
CCPC as Joint National Competent Authority	70

Executive Summary

A Periodic Critical Review (PCR) of the Competition and Consumer Protection Commission (CCPC) enables the Department of Enterprise, Trade and Employment (DETE) to identify critical issues affecting the performance of the CCPC in delivering on its mandate as specified by Government policy.

This PCR focuses on the challenges to the CCPC arising from the dynamic external environment and consequent expansion of the CCPC's mandate. The expansion of the CCPC's range of functions reflects, in large part, the implementation within Ireland, of an expanding volume and range of European legislation. Policy and legislative developments at European level have impacted the CCPC both in terms of its traditional core competition and consumer protection policy areas, and also in other areas, such as the data and digital spheres. The CCPC is currently the sole National Competent Authority (NCA) for 19 pieces of EU legislation, and joint NCA for 9 pieces of EU and national legislation, with potentially further such responsibilities in the future.

An expanded CCPC mandate poses challenges to how the CCPC performs, both now and in the future. It is noteworthy that the expansion of the CCPC's mandate has occurred at the same time that the CCPC faces challenges and opportunities arising from the significant strengthening of enforcement powers for its competition and consumer protection functions. Stronger powers have come with logistical challenges e.g. Adjudication Officers brings increased complexity in staffing and procedure. A wider remit risks diluting the core functions of competition and consumer protection functions. For example, the expansion of the CCPC's mandate into digital and data regulation, together with more complex funding arrangements.

The CCPC has for many years faced capacity constraints, particularly in relation to recruitment and retention of staff. The CCPC faces tight labour market conditions, particularly with respect to the specialised skills necessary for the CCPC to perform its functions, and the skills and experience required to provide leadership as the CCPC adjusts to meet the challenges of a dynamic external environment. At the end of 2023, 13% of the total sanctioned CCPC positions were vacant, with vacancy rates of 19% for Assistant Principal Officers, just over 14% for Assistant Principal Officer (Higher) and just under 17% for Principal Officers. The expansion of the CCPC's mandate risks exacerbating already present capacity related risks to CCPC performance.

The CCPC is well aware of the operational and strategic challenges it faces from a dynamic external environment as reflected in the increase in high level risks on its Corporate Risk Register. The CCPC has shown flexibility and adaptability in responding to changes in the external environment since its establishment in October 2014, particularly those in the last

four to five years. The CCPC has taken, and is taking, significant steps to review and address matters of high-level management structures, staffing recruitment and retention, operational management, case management, IT infrastructure and accommodation. The Department and the CCPC can, nevertheless, anticipate continued challenges to maintain CCPC performance in the years ahead.

The PCR does not identify significant CCPC governance concerns. Rather, this PCR has identified well established external governance and reporting relationships between the CCPC and the Oireachtas, the Minister and Department. Similarly, there are sound internal governance practices to underpin CCPC performance.

This PCR concludes with the following recommendations.

1. The CCPC to report to DETE on proposed initiatives regarding organisational structures, staff recruitment and retention, outreach activities, brand development, and accommodation.
2. The CCPC to report to DETE on its traditional core versus new and additional activities and identify the relevant synergies and efficiencies that may occur once new functions are integrated into the CCPC.
3. The CCPC to report to DETE on planned market studies, in the context of its broader research planning. The reduction in activity in this area is noticeable compared to the period 2002-2014. The lower level of activity in this area is also in marked contrast to other research and policy activities.
4. The CCPC to report to DETE on the financing options for CCPC actions undertaken that relate to its mandate and/or activities of agencies and/or Departments (for example the Digital Services (Levy) Bill 2024).
5. The CCPC to report to DETE on management arrangements for instances where the CCPC acts on behalf of Ministers and/or agencies other than the Minister of Enterprise, Trade and Employment or DETE agencies.
6. The CCPC to undertake and/or commission periodic, independent outcome effectiveness assessments of its competition, consumer protection, product safety and consumer financial information and education functions, such as to repeat and extend the analysis in the CCPC Impact Assessment Report 2017-2020.

Chapter 1 - Introduction

Periodic Critical Review Requirement

The Code of Practice for the Governance of State Bodies (2016)¹ requires that non-commercial state agencies be subject to a Periodic Critical Review (PCR), no later than every five years, undertaken by the relevant Government Department. The Competition and Consumer Protection Commission (CCPC) is a non-commercial state agency, and the Department of Enterprise, Trade and Employment (DETE) is its parent Department. Consistent with the Code, DETE has undertaken a PCR of the CCPC.

Methodology and Governance

DETE is responsible for completing and publishing this PCR. The review was conducted by the Data and Evaluation Unit in the Department and considered a range of evidence and information including desk-based research, reviewing documentation published by the CCPC, and consultations with CCPC and the Department of Finance.

A Steering Group was established, comprising representatives of DETE, CCPC and the relevant vote section of the Department of Public Expenditure, NDP Delivery and Reform (DPENDR) with responsibility for finalising PCR Terms of Reference, overseeing the PCR investigation and analysis and ultimately the final PCR report. The Steering Group first met in June 2023 and on a number of occasions thereafter.

Purpose and Scope

As stated in DPENDR Guidance, the over-arching objectives of the PCR are to:

- a. Secure improvements in accountability, efficiency and effectiveness, and
- b. Scrutinise objectively the case for rationalisation and consolidation of public bodies in the face of changing requirements, demands and priorities.²

¹ DPENDR Code of Practice for the Governance of State Bodies. August 2016. See <https://www.gov.ie/pdf/?file=https://assets.gov.ie/138835/1d213280-29b8-41ec-92c4-ca8974db5224.pdf#page=null>

² DPER “A Guide to Periodic Critical Review of Non-Commercial State Bodies” A Guide to Periodic Critical Review of Non-Commercial State Bodies. September 2020. Pages 3. Also, at pages 6 and 11, it is stated that a PCR “should not act as a means to review or challenge Government policy in a particular area” and “the purpose of the PCR is not to act as a means to create a case for improved funding allocation”. See <https://www.gov.ie/pdf/?file=https://assets.gov.ie/138850/8e7325be-5da7-45ea-8d0a-b94cbe63290b.pdf#page=null>

The CCPC operates in a dynamic external environment. There have been significant changes to European and Irish legislation since the CCPC's establishment in 2014. Further changes can be expected in the coming years including some, for example, with respect to data and digital markets. This PCR focuses on the implications of this dynamic environment for the CCPC's efficiency and effectiveness.

DPENDR Guidance also states that the PCR should examine the effectiveness of internal governance arrangements and the effectiveness of Departmental oversight. DPENDR Guidance also states:

“It is presumed that the non-commercial State body already meets the requirements in the code of practice. It is also presumed that there is an effective relationship between the non-commercial State body and the parent Department. This will facilitate the PCR in assessing performance against the non-commercial State body’s original mandate, and in assessing scope for improvements in performance and effectiveness.”³

As shown subsequently, this PCR does not find any reason to rebut these presumptions. Furthermore, the PCR finds grounds for reassurance. For example:

- The CCPC's Financial Statements, published annually, are reviewed by the Comptroller and Auditor-General which has found that the CCPC's statements present a fair and accurate financial position for the CCPC and income and expenditure of the CCPC.⁴
- The CCPC's Annual Report includes information on governance arrangements in the CCPC, including its Risk Management Framework, covering areas such as monitoring, reporting and mitigating of risks, oversight by an Audit and Risk Committee and regular review and updating of risk management procedures.
- The Competition and Consumer Policy Unit, the Unit with the Department with primary CCPC oversight responsibility, has recently been reviewed in a comprehensive internal audit. No material concerns regarding the Unit's oversight identified.

Therefore, the PCR did not examine in detail the audit or risk management practices within the CCPC.

³ *Ibid.* pp 3-4.

⁴ For example, the CCPC's Financial Statement for the year ended December 31, 2021, with C&AG opinion at pp. 14-15. See <https://www.ccpc.ie/wp-content/uploads/2022/07/2022.06.28-Certified-Financial-Statements.pdf>

CCPC Objectives

The CCPC has competition, consumer protection and product safety objectives, which are set out in its Strategy Statements.⁵ Implementing these objectives involves enforcement, regulation, policy advice and public information to detect and prevent:

- a. Anti-competitive behaviour and the consequent effects on consumers e.g., increased prices, reduced quality of goods and services or reduced innovation.
- b. Unfair trading practices which harm consumers e.g., unclear pricing, or misleading product information.
- c. The illegal sale of products not compliant with the European and Irish product safety regulations.

The CCPC also has an objective to provide consumer financial information and education to increase the capability of consumers to make informed financial decisions.

Section 9 of the Competition and Consumer Protection Act 2014 provides the CCPC with operational independence when carrying out its statutory mandate.⁶ This is particularly relevant to the performance of the CCPC's enforcement, regulatory and advisory functions.

This operational independence, common in other jurisdictions inside and outside the EU, is well established and contributes significantly to the CCPC's overall reputation and credibility.

Expansion of CCPC Mandate

The CCPC's mandate, and its range of functions, has expanded significantly since its establishment in 2014 and further expansion appears likely into the future. This PCR analyses CCPC performance and capacity in the context of the CCPC's mandate upon establishment and its expanded mandate in recent years. Also examined are the potential implications of further anticipated expansion including expansion beyond traditional core competition and/or consumer protection objectives.

Report Structure

The report is structured as follows:

- External Environment.
- CCPC Organisational Performance.
- CCPC Organisational Capacity.
- Conclusions and Recommendations.

⁵ See <https://www.ccpc.ie/consumers/about/strategy-statements/>

⁶ Section 9(5) of the Competition and Consumer Protection Act states "Subject to this Act, the Act of 2002 and the Act of 2007 the Commission shall be independent in the performance of its functions."

Chapter 2 - External Environment

Introduction

This section considers the political and legislative environment in which the CCPC operates. It discusses how the organisation and its strategic environment have evolved since its establishment in 2014, and outlines anticipated changes in that environment into the future.

Amalgamation of NCA and TCA

The CCPC was established on 31 October 2014 after the passing of the Competition and Consumer Protection Act 2014. The Act was the culmination of a six-year long process after initial proposals, in 2008, to amalgamate Ireland's consumer protection and competition agencies: the National Consumer Agency (NCA) and the Competition Authority (TCA).

Budget 2009

Amalgamating the NCA and TCA was announced, in 2008, in the context of the 2009 Budget and associated reforms of State bodies. The Minister for Finance in his Budget 2009 speech stated:

“The Government has decided to reduce the number of State bodies and agencies by forty-one, and to streamline certain other functions. The details of this first round of rationalisation are set out in the Summary of Budget measures. I will, in consultation with my colleagues, be examining the scope for further rationalisation of agencies.”⁷

The Summary of Budget Measures listed, in Annex D, the State bodies and agencies that would be subject to rationalisation. The sole entry for the Department of Enterprise, Trade and Employment was to amalgamate the National Consumer Agency and the Competition Authority and their various functions into a single agency.⁸

Financial Education

The pending amalgamation of the NCA and TCA was further augmented with the announcement in 2009, of the transfer of responsibility for personal finance information and education, from the Financial Regulator to the NCA. The transfer of this function on 1

⁷ See <https://www.gov.ie/en/publication/a9f1d-financial-statement-budget-2009/#public-service-reform>

⁸ See [- 6737984c-8573-447c-84b6-6f4cd510067e.pdf \(www.gov.ie\)](#)

January 2011, occurred as Government decided to reintegrate the Central Bank and the Financial Services Regulatory Authority. For example, the Minister for Finance stated:

“The Government is taking the necessary measures to allow the domestic banking sector to service effectively the needs of the real economy and to restore the reputation of the country as a sound and secure centre of excellence in international financial services. We will ensure Ireland is regulated to the best EU and international standards. Our approach mirrors arrangements proposed at EU level and will ensure a cohesive approach between critical elements of effective financial regulation.”⁹

The Minister also stated:

“The consumer information and education role, currently carried out within the Consumer Directorate in the Financial Regulator will be re-assigned to the National Consumer Agency (NCA). The NCA is being amalgamated with the Competition Authority. The functions to be merged in the new body are highly complementary and share a common goal of enhancing consumer welfare.”¹⁰

The funding arrangements for consumer financial information and education, i.e., “ring-fenced” funding through a levy on eligible financial institutions, remained in place with the NCA and ultimately also with the CCPC.¹¹

Efficiencies and Synergies

The scope for synergies between the competition and consumer protection functions have long been recognised. The challenge for the CCPC, now and into the future, is to enable potential synergies and efficiencies to be realised and to minimise the downside risks from

⁹ Government press release 18 June 2009.

¹⁰ *Ibid.*

¹¹ Section 15 (5) of the Central Bank Reform Act, 2010 amends the Consumer Protection Act 2007, by inserting new sections 24A-E, after the preceding section 24, which establishes the ringfencing of the levy to consumer financial information and education functions. Section 24b(1) establishes power to impose levies on eligible persons and specifies the functions to be funded by the levy. See <https://www.irishstatutebook.ie/eli/2010/act/23/enacted/en/html> Section 24B(2) strictly reserves income from the levy to the funding of consumer financial information and education, as defined in the new Section 8(3)(ha).

having the responsibility for competition, consumer protection and other functions within one organisation.

International Comparisons

The amalgamation of competition and consumer protection functions into one agency is not uncommon in other jurisdictions. For example, the Competition and Markets Authority in the UK, the Danish Competition and Consumer Authority, the Finnish Competition and Consumer Authority, the Netherlands Authority for Consumers and Markets, the Polish Office of Competition and Consumer Protection, the Australian Competition and Consumer Commission, the New Zealand Commerce Commission, and the Zambian Competition and Consumer Protection Commission¹² all have responsibility for both competition and consumer protection.

The CCPC differs, however, from its international counterparts with respect to some of its functions, that could be considered outside of the traditional core competition and consumer protection functions, such as certain market surveillance functions, enforcing product safety legislation, authorising credit intermediaries, regulation of Alternative Dispute Resolution providers, the provision of personal finance information and education¹³ and the new responsibilities in the data and digital spheres.

CCPC Statutory Mandate and Functions 2014

Competition and Consumer Protection Act 2014

The statutory mandate for the CCPC is set out in the Competition and Consumer Protection Act 2014 and also derives from EU Treaties and EU competition and consumer protection legislation. The functions of the CCPC are set out extensively in the Act at Section 10(1):

“The Commission shall have ... the following functions:

(a) to promote competition;

(b) to promote and protect the interests and welfare of consumers;

¹² See for example, <https://www.ccpc.org.zm/>

¹³ The CCPC is not unique in providing personal finance information and education. Consumer agencies in other countries including Austria, Brazil, Canada, Chile, Mexico, Norway, South Africa and USA are involved in promoting financial literacy within their populations.

(c) to carry out an investigation, either on its own initiative or in response to a complaint made to it by any person, into any suspected breach of—

(i) the relevant statutory provisions, that may be occurring or has occurred,

(ii) Article 101 or 102 of the Treaty on the Functioning of the European Union, that may be occurring or has occurred, or

(iii) notwithstanding their repeal, the Competition (Amendment) Act 1996 and the Competition Act 1991, that has occurred;

(d) to enforce the relevant statutory provisions;

(e) to encourage compliance with the relevant statutory provisions, which may include the publication of notices containing practical guidance as to how those provisions may be complied with;

(f) to set the strategic objectives for the Commission; and

(g) to ensure that appropriate systems and procedures are in place to achieve the Commission’s strategic objectives and to take all reasonable steps available to it to achieve those objectives.”¹⁴

Transferred Functions

The functions performed by the NCA and TCA, prior to the amalgamation, were transferred to the CCPC. These functions included:

- Competition enforcement - criminal and civil and review of allegations of breaches of competition law.
- Regulation of mergers.
- Consumer protection enforcement e.g., prosecutions, compliance notices.
- Product safety interventions.
- Public consultations.

¹⁴ The remainder of the Section, particularly subsection 10(3), elaborates further the CCPC’s mandate and functions. See <https://www.irishstatutebook.ie/eli/201/act/29/section/10/enacted/en/html#sec10>

- Policy advice, recommendations and comment e.g., through market studies and submissions.
- Market research e.g., market surveys and analysis and research of consumer behaviours.
- Public information and assistance e.g., contact with the public through a consumer helpline.
- Credit intermediary authorisations.
- Pawnbroker licensing.
- Publication of guidelines for compliance with consumer protection and competition law.
- Financial education.

Modified and New Functions

The Competition and Consumer Protection Act 2014 modified some TCA functions. For example, Section 37 of the Act provided increased rights and powers for CCPC Authorised Officers to contribute to, and participate in, Gardaí investigations and to question individuals regarding suspected competition offences.

Also, while the CCPC remained responsible for the competition analysis of media mergers, notification was also required to the Minister for Communications, Marine and Natural Resources to assess potential impacts on media plurality in the State.¹⁵

The Competition and Consumer Protection Act 2014 also provided for new functions for the CCPC, regarding alternative dispute resolution (ADR) and the regulation of the groceries sector.

Grocery sector regulations were put into effect in 2016¹⁶ and subsequently revoked in 2022 and the function transferred to the Unfair Trading Practices Enforcement Authority in the Department of Agriculture Food and the Marine.¹⁷

¹⁵ Advice to the Minister would be provided by the Broadcasting Authority of Ireland. CCPC Annual Report page 21. See <https://www.ccpc.ie/consumers/wp-content/uploads/sites/2/2017/03/CCPC-Annual-report-31-Oct-14-to-31-Dec-15.pdf>

¹⁶ S.I. No. 35/2016 - Consumer Protection Act 2007 (Grocery Goods Undertakings) Regulations 2016 See <https://www.irishstatutebook.ie/eli/2016/si/35/made/en/print>

¹⁷ See <https://www.ccpc.ie/business/help-for-business/grocery-regulations/#:~:text=As%20of%201%20April%202022%2C%20the%20Grocery%20Regulations%20have%20been%20revoked.>

CCPC Organisational Structure

The Membership of the CCPC is set out in section 12(3)(a) of the Competition and Consumer Protection Act 2014:

“a chairperson and such number of other whole-time members, not being less than 2 nor more than 6, as the Minister determines and appoints.”¹⁸

Upon establishment on 31 October 2014, the CCPC was comprised of a Chairperson, formerly the Chairperson of TCA, and four Members, including the former Chief Executive of the NCA. Currently the CCPC is comprised of a Chairperson and three Members.

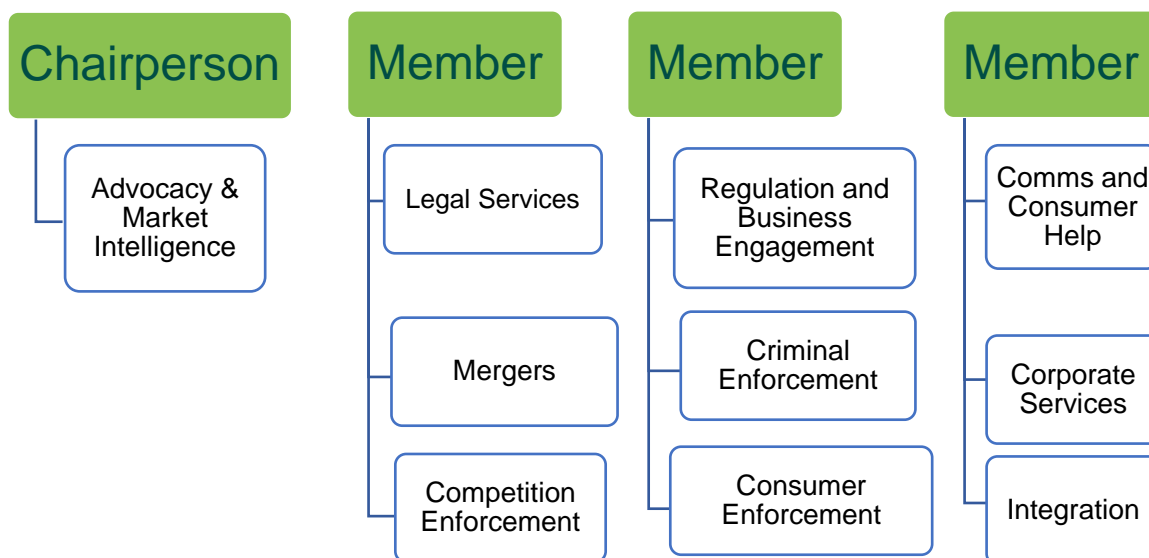
At the time of establishment, the number of full time equivalent (FTE) staff transferring from the NCA and TCA to the CCPC was 27.8 and 45.6 respectively, equivalent to a staff level of combined 73.4 FTEs.

The CCPC, as set out in its 2015 Annual Report, comprised ten divisions to carry out its functions:

- Advocacy and Market Intelligence.
- Communications and Consumer Help.
- Competition Enforcement - civil enforcement of competition law.
- Consumer Enforcement – civil enforcement of consumer protection law.
- Corporate Services.
- Criminal Enforcement of breaches of competition and consumer protection laws.
- Integration of the NCA and TCA into the CCPC.
- Legal Services.
- Mergers – regulatory review of notifiable mergers.
- Regulation and Business Engagement – including grocery sector regulation.

¹⁸ Section 12(3)(a) of the Act. See <https://www.irishstatutebook.ie/eli/2014/act/29/enacted/en/html>

Figure 1 CCPC Organisational Structure 2015



CCPC in 2024 - Enhanced and Expanded Mandate

Since 2015, the CCPC's mandate has included responsibilities and powers across a wide range of areas, some of which enhance traditional core competition and consumer protection functions and others which extend the CCPC's mandate into new areas.

The CCPC has been granted substantial new powers to enhance its enforcement of competition, consumer protection and product safety legislation.

The Consumer Rights Act 2022 represents the most significant reform of consumer protection law in Ireland in the last 40 years. It updates and strengthens existing Irish consumer law in relation to

- a. The sale of goods and supply of services.
- b. Unfair contract terms.
- c. Consumer information and cancellation rights.

The EU General Product Safety Regulation,¹⁹ which will apply in Ireland from 13 December 2024, updates and strengthens the EU's product safety regulatory landscape, bringing the EU product safety rules in line with new developments, especially in the online sphere.

The Competition (Amendment) Act 2022 has introduced significant changes to Ireland's competition enforcement regime. In particular, the CCPC, through independent Adjudication Officers,²⁰ has the power to impose administrative financial sanctions, of up to €10 million or 10% of total worldwide turnover, on parties that have participated in a competition law infringement.

Under the Foreign Subsidies Regulation (FSR)²¹ the European Commission has the power to investigate financial contributions granted to companies active in the European Union, but which are not subject to EU State aid rules, and to impose measures to redress distortive effects arising from those financial contributions. The CCPC anticipates it will have a role in assisting the European Commission in its investigations.

The CCPC has also been designated as a National Competent Authority for the implementation in Ireland of various items of EU legislation as follows:

- The EU Digital Services Act (DSA) was implemented in Ireland by the Digital Services Act which was enacted in February 2024. The DSA imposes obligations on online intermediary service providers (including social media platforms, online marketplaces and app stores) to provide a "safe, predictable and trustworthy online environment." The CCPC has certain supervision and enforcement functions.
- The EU Digital Markets Act (DMA) is designed to tackle dominance in the online space. While the European Commission has exclusive competence for enforcing the DMA, the CCPC will have an important role to play in supporting European Commission investigations.
- The Data Governance Act (DGA) aims to promote the availability and re-use of data both by public service bodies and through regulated data intermediaries. The DGA entered into force on 23 June 2023 and was applicable from 24 September 2023. The CCPC is designated as the competent authority to monitor and supervise compliance with the DGA.

¹⁹ Regulation (EU) 2023/988 of the European Parliament and of the Council of 10 May 2023 on general product safety.

²⁰ The CCPC is required to nominate, for appointment by the Minister for Enterprise, Trade and Employment, Adjudication Officers to make decisions, where the CCPC has formed a provisional view that a breach of relevant competition law has occurred. Adjudication Officers can be members of staff of the CCPC or external appointees.

²¹ Regulation (EU) 2022/2560 of the European Parliament and of the Council of 14 December 2022 on foreign subsidies distorting the internal market.

- The EU Data Act promotes access to data produced by connected products and related services in order to assist competition and innovation and remove barriers to data sharing.
- The European Accessibility Act (EAA) seeks to mainstream accessibility and places obligations on manufacturers and service providers to ensure that specified products and specified services meet a minimum standard of accessibility for disabled consumers.

On 1 January 2024, the CCPC was designated as the organisation within Ireland to carry out the cross border European Consumer Centre (ECC) function within Ireland.

There are further items of European legislation where the CCPC is potentially going to be designated a National Competent Authority, including for example, the EU Artificial Intelligence Act (AI Act), the first comprehensive law on AI, which aims to ensure that the fundamental rights, health and safety of the individual are protected while promoting responsible innovation.

Recommendation

- The CCPC to report to DETE on its traditional core versus new and additional activities and identify the relevant synergies and efficiencies that may occur once new functions are integrated into the CCPC.

Chapter 3 - CCPC Performance

Introduction

The CCPC's Strategy Statement for 2024-2026 states:

“Our mission is to use our knowledge, skills and statutory powers to promote competition and enhance consumer welfare.

Our vision is for open and competitive markets where consumers are protected and businesses actively compete.”²²

The CCPC's objectives are to detect and prevent:

- a. Anti-competitive behaviour and the consequent effects on consumers e.g., increased prices, reduced quality of goods and services or reduced innovation.
- b. Unfair trading practices which harm consumers e.g., unclear pricing, or misleading product information.
- c. The illegal sale of products not compliant with the European and Irish product safety regulations.

The CCPC is also responsible for consumer information and education on personal finance, a role previously transferred from the Financial Regulator to the NCA.

To achieve its mandate, the CCPC performs a wide range of functions which can be grouped into four categories:

- Controls – Regulatory clearance is required to implement certain transactions or to operate in certain markets.
- Enforcement and Compliance – Detection, deterrence and prosecution of behaviour that breaches competition, consumer protection and product safety laws and promoting compliance with competition and consumer protection and product safety laws.
- Policy Analysis, Advocacy and Research - e.g., analysis of consumer behaviour and markets to identify insights and provide advice in relation to competition problems and consumer harms in the Irish economy.

²² CCPC Strategy 2024-2026 page 6. See <https://www.ccpc.ie/consumers/wp-content/uploads/sites/2/2023/11/2024.11.13-100707-CCPC-Strategy-Statement-FINAL-WEB.pdf>

- Public Information, e.g., to promote competition for the benefit of consumers, inform and empower consumers, including with respect to personal finance information and education, and to inform businesses of their legal rights and obligations.

The CCPC's performance is described below under these four categories.

Controls

Mergers

Merger regulation is the CCPC's primary competition control function. A merger or acquisition notified to the CCPC cannot be put into effect until it has received regulatory clearance by the CCPC.

Section 16(1) of the Competition and Consumer Protection Act 2014 (as amended) defines mergers and acquisitions as follows:

- a. A merger occurs when two or more previously independent undertakings combine to form a new undertaking.
- b. An acquisition occurs when one or more undertakings, acquire control of all or part of one or more other undertakings.²³

Section 16(3) of the Act defines control as follows.

**“For the purposes of this Act, control is acquired by an individual or other undertaking if he or she or it—
(a) becomes holder of the rights or contracts, or entitled to use the other means, referred to in subsection (2), or
(b) although not becoming such a holder or entitled to use those other means, acquires the power to exercise the rights derived therefrom.”²⁴**

The purpose of merger control is to identify and modify or prevent transactions that will lead to a substantial lessening of competition (SLC) to the detriment of consumers, e.g., through

²³ The definition of acquisition includes transactions where, rather than the acquisition of a corporate legal entity, certain assets are acquired, i.e., identified assets that constitute a business to which a turnover can be attributed.

²⁴ Competition and Consumer Protection Act 2014. See <https://revisedacts.lawreform.ie/eli/2002/act/14/section/16/revised/en/htm>

increased prices and/or adverse non-price effects. As stated in the CCPC's Merger Guidelines:

“It is not the purpose of merger review to protect competitors from the effects of a merger. Rather, the purpose of merger review is to ensure that mergers that would result in an SLC are not permitted. the Commission shall form a view as to whether the result of the merger or acquisition would be to substantially lessen competition in markets for goods or services in the State.”²⁵

Mergers and acquisitions are a normal part of business life and do not necessarily have an adverse impact on consumers. Consequently, not all mergers require notification and most notified mergers are cleared.²⁶ Financial turnover of the merging parties indicates when merger notification is required. The current financial threshold for merger notification within the State is:

- a. The aggregate turnover in the State of the undertakings involved is not less than €60 million, and
- b. The turnover in the State of each of two or more of the undertakings involved is not less than €10 million.²⁷

In addition to mandatory notification thresholds for mergers, the CCPC now has certain powers to “call in” below threshold mergers of particular concern.

Any merger requiring notification to the CCPC cannot, under section 19(1) of the Act, be implemented unless and until it has been cleared by the CCPC. If a notifiable merger is implemented in contravention of section 19(1) of the Act, the merger is void.

Financial thresholds do not apply for media mergers. Irrespective of the turnover of the undertakings, any merger that falls within the definition of a media merger,²⁸ must be notified

²⁵ CCPC “Guidelines for Merger Analysis,” referring to Section 20(1) of the Competition and Consumer Protection Act 2014, page 2. The word “merger” is used in these Guidelines use the term merger to include both mergers and acquisitions as defined in the Act (section 16(1)). See <https://www.ccpc.ie/business/wp-content/uploads/sites/3/2017/04/CCPC-Merger-Guidelines-1.pdf>

²⁶ Merging parties can, under Section 18(3) of the Act, notify voluntarily in the absence of meeting the mandatory thresholds. Section 18(2) of the Act enables the CCPC to require notification of a merger that does not meet the mandatory thresholds, has not been voluntarily notified, and for which the CCPC considers the merger may adverse competitive effects in any market for goods or services in the State. See <https://www.ccpc.ie/business/mergers/when-to-notify/>

²⁷ See <https://www.ccpc.ie/business/mergers/when-to-notify/>

²⁸ Media mergers cover situations where (i) two or more of the undertakings involved is, in part or whole, a media business in the State, and also (ii) one or more of the undertakings involved carries on a media business in the State, and one or more of the undertakings involved carries on a media business elsewhere.

to the CCPC. Media mergers are also subject to review by the Minister for Tourism, Culture, Arts, Gaeltacht, Sport, and Media.²⁹

Merger control is a two-phase process. The statutory time limit for a Phase 1 decision is 30 working days after the receipt of the notification. This time limit is extended when, for example, the CCPC issues a formal Requirement for Further Information (RFI) to one or more of the merging parties, or if the parties propose remedies, i.e., proposals to alter the transaction as originally notified to address competition concerns.³⁰

The CCPC can clear a proposed merger (with or without remedies) at the end of a Phase 1 review but cannot prohibit a merger. Where the CCPC is not in a position to clear the proposed merger, an extended Phase 2 review is required. As part of its extended review, the CCPC may, when appropriate, issue the merging parties with an Assessment, the purpose of which is to clearly and comprehensively set out, in writing, the CCPC's preliminary concerns regarding the effects of a proposed merger on competition. Parties may respond to an Assessment by making proposals for the purpose of remedying the concerns raised by the CCPC.

At the conclusion of a Phase 2 review the CCPC can:

- Clear the merger as notified.
- Clear the merger subject to remedies as specified by the CCPC.
- Prohibit the merger (with or without proposed remedies).

In July 2020 the CCPC introduced a simplified procedure for certain mergers or acquisitions that clearly do not raise competition concerns in Ireland, but which nevertheless require notification due to reaching the relevant financial thresholds.³¹ The simplified procedure reduces the time and resources needed to review these mergers or acquisitions, reduces the regulatory burden on the merging parties, and enables the CCPC to focus attention on mergers and acquisitions which have greater potential to give rise to competition concerns.

²⁹ The Minister may agree to a proposed media merger, as notified or subject to conditions proposed by the parties or may request Coimisiún na Meán to conduct a full examination of the proposed merger See <https://www.gov.ie/en/publication/d0f7d-media-mergers/#determinations>

³⁰ For more detail on timeframes see "Mergers and Acquisitions Procedures" at <https://www.ccpc.ie/business/wp-content/uploads/sites/3/2023/07/CCPC-Mergers-and-Acquisitions-Procedures-2023.pdf>

³¹ See <https://www.ccpc.ie/business/wp-content/uploads/sites/3/2020/05/Simplified-Merger-Notification-Procedure-Guidelines.pdf> The CCPC may revert to a standard procedure at any point in time if for example new information comes to light in the process of reviewing the proposed merger or acquisition.

For example, in 2023, 50% of merger determinations were made under the simplified procedure and 56% in the previous year, 2022.³²

The CCPC participates in the review of European mergers, i.e., mergers that meet the criteria for notification to the European Commission, or which are otherwise referred to the European Commission.³³ The CCPC monitors merger notifications to the European Commission and engages with the European Commission, for example, where a proposed transaction has potential competitive impacts in the State. The CCPC also attends EU Merger Advisory Committees, which occur prior to a final merger decision being made by the European Commission.³⁴

Performance

Table 1 shows the number of determinations made by the CCPC in the period 2020 to 2023.

Table 1 - Merger Determinations 2020 - 2023

	2023	2022	2021	2020
Determinations	66	70	74	43

In 2023 28 RFIs were issued, two merger assessments were issued, four full Phase 2 investigations were completed, and four mergers were cleared with remedies.³⁵

Authorisation of Service Providers

The CCPC's consumer protection control function is the authorisation of certain service providers. The CCPC authorises the following:

- Alternative Dispute Resolution entities.
- Credit intermediaries.
- Pawnbrokers.

Alternative Dispute Resolution

ADR processes, such as mediation, arbitration and conciliation involve an independent third party trying to help disputing parties to reach a resolution without recourse to the courts. Providers of ADR services must apply to the CCPC for approval. As stated by the CCPC:

³² See <https://www.cpc.ie/business/wp-content/uploads/sites/3/2023/01/CCPC-Mergers-and-Acquisitions-Report-2022.pdf> and <https://www.cpc.ie/business/wp-content/uploads/sites/3/2024/01/Merger-Report-2023.pdf>

³³ The European Commission may also examine mergers which, at the request of a national competition authority of an EU Member States, are referred to the European Commission. See https://competition-policy.ec.europa.eu/mergers/overview_en

³⁴ See https://competition-policy.ec.europa.eu/mergers/procedures_en

³⁵ See <https://www.cpc.ie/business/wp-content/uploads/sites/3/2024/01/Merger-Report-2023.pdf>

**“The CCPC must assess whether the notifying entity:
A. qualifies as an ADR entity falling within the scope
of the Regulations and
B. complies with the quality requirements.”³⁶**

The CCPC publishes, and sends to the European Commission, a report on the development and functioning of approved ADR entities in Ireland every four years. In its most recent report, for the period 2018-2021, the CCPC stated:

“Historically, it has taken approximately 6 months for the CCPC to assess a notification and either accept or reject it.”³⁷

The CCPC monitors ADR compliance, primarily through reviewing reports submitted by ADR entities, and also through engagement with ADR entities. ADR compliance appears strong and widespread. For example, the CCPC states that, for the 2018-2021 period:

- No complaints were received from consumers, in relation to the listed ADR entities’ compliance with the Regulations.³⁸
- No ADR bodies were delisted as a result of non-compliance of the relevant regulations.³⁹

The European Commission has issued a new legislative proposal to amend the existing ADR Regulations.⁴⁰ The proposed changes will widen the scope of ADR beyond contractual issues to include, among others:

- Unfair commercial practices.
- Remedies in the case of non-conformity of goods or services.
- Pre-contractual information.
- Access to services and deliveries.
- Passenger and traveller rights.

³⁶ See <https://www.ccpc.ie/business/help-for-business/alternative-dispute-resolution/> The relevant Regulations, which set out the quality requirements in detail, are the European Union (Alternative Dispute Resolution for Consumer Disputes) Regulations 2015 and Irish secondary legislation, S.I. No. 343 of 2015 and S.I. No. 368 of 2015.

³⁷ See <https://www.ccpc.ie/business/wp-content/uploads/sites/3/2022/12/2022.01.12.-ADR-wesbite-report-2022.pdf> page 3 The reporting requirement, to the European Commission, is in accordance with article 20(6) of Directive 2013/11/EU on ADR and regulation 5 (7) and (8) of S.I. No. 343 of 2015,.

³⁸ Consumers can submit queries or complaints to the CCPC on a dedicated email, in relation to the functioning of the ADR entities operating in Ireland.

³⁹ See <https://www.ccpc.ie/business/wp-content/uploads/sites/3/2022/12/2022.01.12.-ADR-wesbite-report-2022.pdf> pp 3-5.

⁴⁰ See https://ec.europa.eu/commission/presscorner/detail/en/ip_23_5049

The proposals also specifically list digital content and digital services within the scope of ADR. Further proposed changes include the expansion of ADR to traders based outside of the EU/EEA, providing for traders in, for example, the UK to participate in ADR. ADR entities would be required to publish activity reports biennially, rather than annually as is currently the case, and these reports will require less information from ADR entities. Such changes to the reporting requirements may encourage other entities to seek ADR authorisation and streamline compliance for current listed entities.⁴¹

Credit Intermediaries

The CCPC authorises credit intermediaries, which are defined in the Consumer Credit Act 1995 (as amended) as:

“a person, other than a credit institution or a mortgage lender, who in the course of his [sic] business arranges or offers to arrange for a consumer the provision of credit or the letting of goods in return for a commission, payment or consideration of any kind from the provider of the credit or the owner, as the case may be”.⁴²

The CCPC maintains a register of authorised credit intermediaries. As of January 2024, there were over 750 authorised credit intermediaries in the State.⁴³

Pawnbrokers

The CCPC has responsibility for the licensing of pawnbrokers under the Pawnbrokers Act 1964 (as amended). It is an offence to operate as a pawnbroker without a license. There are currently 3 pawnbrokers licensed to operate in the State.⁴⁴

⁴¹ Four entities currently satisfy the regulatory requirements: the Commission for Regulation of Utilities, the Financial Services and Pensions Ombudsman, NetNeutrals EU Ltd and the Royal Institute of the Architects of Ireland. See <https://www.ccpc.ie/business/help-for-business/alternative-dispute-resolution/#:~:text=The%20Competition%20and%20Consumer%20Protection,disputes%20out%2Dof%2Dcourt>.

⁴² As the CCPC elaborates, examples of credit intermediaries include garages and high street retailers (such as furniture and electrical retailers) leasing or hiring out goods, selling on credit, or arranging credit finance provided by credit institutions. See <https://www.ccpc.ie/business/credit-intermediaries/authorised-credit-intermediaries/>

⁴³ *Ibid.*

⁴⁴ Consumers can raise a complaint about a Credit Intermediary or Pawnbroker via the Helpline which redirects the query to the relevant team within CCPC.

Competition Enforcement and Compliance

Section 10(1)(d) of the Competition and Consumer Protection Act 2014 states that the CCPC has powers, as set out subsequently in Sections 18, 36 and 37, to investigate breaches of competition law. These powers include entry and search of premises, inspection and retention of documents, and obtaining information from individuals, including employees, connected to the undertaking(s) under investigation. At the conclusion of an investigation the CCPC decides whether or not to undertake criminal or civil enforcement proceedings. Historically, there have been three approaches, two criminal and one civil:⁴⁵

- a. For offences under section 6 or 7 of the Competition Act 2002 as amended:
 - i. Referral to the DPP to consider commencing criminal proceedings on indictment in relation to an offence under section 6 or 7 of the Competition Act 2002 as amended.
 - ii. CCPC to bring summary criminal proceedings itself in relation to an offence under section 6 or 7 of the 2002 Act pursuant to section 8(9) of the 2002 Act.
- b. CCPC to pursue civil proceedings, in accordance with the provisions of sections 14A and 14B of the 2002 Act, in the circumstances set out in section 3 of the 2002 Act.⁴⁶

A fourth approach, administrative sanctions, is provided for in the Competition (Amendment) Act 2022 which transposes the ECN+ Directive⁴⁷ into Irish Law and came into effect on 27 September 2023.⁴⁸ Administrative enforcement proceedings enable the CCPC, through independent Adjudication Officers, to impose penalties directly rather than taking legal action through the courts. As stated by the CCPC:

“The 2022 Act introduced an Administrative Enforcement Regime. This gives the CCPC the power to make decisions that undertakings, or associations of undertakings, have breached competition law by engaging in anti-competitive practices ... The CCPC can impose administrative financial sanctions on undertakings, and associations of undertakings, of up to €10 million, or 10% of total worldwide turnover (whichever is greater), in the business year preceding the CCPC’s decision.”⁴⁹

⁴⁵ See <https://www.ccpc.ie/business/help-for-business/pawnbrokers/>

⁴⁶ CCPC Guidance Note on the CCPC’s Choice of Enforcement Regime for Breaches of Competition Law Page 6. See [2022.02.11-Guidance-Note-on-the-Choice-of-Competition-Enforcement-Route-consultation-draft.pdf](https://www.ccpc.ie/2022/02/11-Guidance-Note-on-the-Choice-of-Competition-Enforcement-Route-consultation-draft.pdf) (ccpc.ie)

⁴⁷ Directive (EU) 2019/1 of the European Parliament and of the Council of 11 December 2018 to empower the competition authorities of the Member States to be more effective enforcers and to ensure the proper functioning of the internal market. See <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32019L0001>

⁴⁸ <https://www.irishstatutebook.ie/eli/2023/si/448/made/en/print>

⁴⁹ <https://www.ccpc.ie/business/enforcement/competition-consumer-protection-act/>

Imposing penalties directly adds a potentially significant feature to competition enforcement. The administrative adjudication regime set out in the 2022 Act has been carefully designed to achieve compatibility with the Irish Constitution. It is anticipated that the introduction and implementation of administrative sanctions will be a complex and potentially lengthy process, requiring careful navigation of significant legal and case management issues.

Criminal Enforcement

Cartel offences are recognised, in Europe and worldwide, as the most serious breaches of competition law. For example, as stated by the Australian Competition and Consumer Commission:

“Cartel behaviour is, in reality, a form of theft and little different from classes of corporate crime that already attract criminal sentences. However, it is not always perceived this way.”⁵⁰

Cartels is an umbrella term covering the following coordinated actions:

- a. Price fixing, i.e., competitors collectively agree the price for, or discounts on, goods or services.
- b. Limiting production, i.e., competitors collectively agree to limit the quantity of goods or services to be supplied to the market, thereby increasing prices.
- c. Market sharing, whereby competitors collectively agree on:
 - i. locations in which each of them can, or cannot, operate, or
 - ii. customers to whom each of them can, or cannot, sell.
- d. Collusive tendering or ‘bid-rigging’, whereby competitors distort tendering processes by predetermining the outcome, i.e., agreeing who will win, e.g., by competitors not bidding or submitting higher bids than the pre-selected winner.

Each of these actions involves deliberate, illegal agreements with the purpose of increasing prices paid by customers above a competitive price, i.e., the price that would prevail if suppliers competed. Furthermore, cartels can have effects beyond the market or markets immediately subject to cartel distortions. For example, increased prices in intermediate goods and services will lead to increased consumer prices in other markets. These knock-on effects lead to an increase in the costs of living for consumers and an increase in the costs of doing business for suppliers.

⁵⁰ See <https://www.accc.gov.au/system/files/20041124%20Cracking%20Cartels.pdf>

Penalties

Given the severity of effects, and the deliberate intent of the participants, cartels are subject to criminal penalties. In Ireland, under the Competition Act 2002 (as amended), a conviction for cartel activity can carry criminal penalties of:

- a. Up to ten years imprisonment for individuals,
- b. Fines of up to €50 million or 20% of turnover for individuals and undertakings.

In addition, a company director convicted of a cartel offence will automatically face disqualification from acting as a director for five years.⁵¹

Investigation and prosecution of cartel cases is typically a complex and lengthy process, not least because of the need to show the intent of the cartel members, and also because a prosecution must meet the criminal standard of proof, i.e., beyond a reasonable doubt.

Performance

The CCPC has successfully prosecuted one cartel case, in March 2017, in which two guilty pleas were entered for bid rigging in tenders for commercial flooring.⁵² A case of suspected bid-rigging in school transport is currently before the courts.

In addition to cartel offences, gun-jumping, i.e., putting a notifiable merger into effect, prior to obtaining CCPC clearance, is a criminal offence.⁵³ To date, there has been one criminal prosecution, in 2017, which resulted in two convictions for gun-jumping.⁵⁴

Civil Enforcement

The same investigative powers available to criminal competition enforcement apply also to civil enforcement. Whereas criminal enforcement addresses matters of anti-competitive intent (or object) and effect, the focus of civil enforcement is primarily on the impact of anti-competitive effects. Civil enforcement is applicable to two types of competition offences:

- Non-hardcore agreements, i.e., agreements between competitors that are not considered to be hardcore cartels (e.g., where anti-competitive effects, such as increased prices paid by consumers, are not necessarily the purpose of the agreement).

⁵¹ See also <https://www.ccpc.ie/business/enforcement/criminal-enforcement/cartels/>

⁵² Also, prior to the CCPC's establishment, TCA successfully prosecuted two cases involving car dealer price fixing and one case involving price fixing in home heating oil. See <https://www.ccpc.ie/business/enforcement/criminal-enforcement/criminal-court-cases/>

⁵³ Ideally have precise section of Act. See

⁵⁴ See <https://www.ccpc.ie/business/second-guilty-plea-made-in-irelands-first-criminal-prosecution-involving-gun-jumping-in-a-merger/>

- Abuse of dominance, i.e., where an individual or firm in a dominant position in a market exploits that position to benefit from anti-competitive effects such as increased prices and/or non-price effects.

A dominant individual or firm does not face competitive constraints from other individuals or firms. For example, a dominant individual or firm can increase its prices unilaterally because it knows that its customers have few, if any, viable alternative suppliers and so will pay the higher price.

Importantly, a dominant position in a market is not necessarily a sign of a breach of competition – a strong and even dominant position in a market may be the outcome of strong and effective competition where one firm enjoys more success, than its competitors. Consequently, the existence of dominance can, but does not necessarily, imply anti-competitive effects and harm to consumers. Rather, the presence of benign or harmful effects can only be assessed after an examination of relevant circumstances and evidence.

Settlements and Commitments

The CCPC's new administrative competition enforcement regime includes the option of settlement or commitments. Settlement involves the party under investigation agreeing with the CCPC to the imposition of a specific fine by CCPC adjudication officers. Commitments involve the party under investigation giving binding undertakings to take certain actions to address the alleged breach of competition law.

Performance

The CCPC, in May 2021 settled a case involving retail price maintenance in household furniture.⁵⁵

Not all investigations result in prosecutions and/or settlements. The CCPC will close an investigation if and when appropriate i.e., after an examination of the case and before trial. This includes, in some instances, where there are agreed commitments from traders.⁵⁶

P2B Regulation

Platform to Business (P2B) refers to situations where businesses use online platforms to offer their goods or services to consumers. As described in EU Regulation 2019/1150 ("P2B Regulation"):

“Online intermediation services can be crucial for the commercial success of undertakings who use such services

⁵⁵ Also, prior to the establishment of the CCPC, TCA completed proceedings in 9 civil enforcement cases either through settlement (7) or through judgement in the CCPC's favour (2) See <https://www.ccpc.ie/business/enforcement/civil-competition-enforcement/civil-court-cases/>

⁵⁶ See https://www.ccpc.ie/business/enforcement/civil-competition-enforcement/closed_investigations/ The CCPC has closed 5 investigations since and TCA 25 cases prior to the establishment of the CCPC.

to reach consumers. To fully exploit the benefits of the online platform economy, it is therefore important that undertakings can trust online intermediation services with which they enter into commercial relationships.⁵⁷

The P2B Regulation provides a fair, transparent and predictable business environment for businesses using online platforms to offer their goods or services to consumers. Large online platforms covered by the P2B Regulation face various obligations, including requirements covering transparency, and terms and conditions, which reduce the incentive to exercise market power at the expense of businesses and ultimately consumers.⁵⁸

S.I. No. 256 of 2020⁵⁹ designates the CCPC as the National Competent Authority in Ireland for the implementation of the P2B Regulation. Consequently, the CCPC has a mandate, through court action, to stop or prohibit non-compliance by providers of online intermediation services or by providers of online search engines, with the relevant requirements laid down in this Regulation.

Penalties

A platform provider who commits an offence under the P2B Regulation is liable on summary conviction to a class A fine, not exceeding €5,000, or to imprisonment for a term not exceeding 12 months, or to both.

S.I. No. 256/2020 requires the CCPC to maintain a 'register of unlawful acts', but it is only for unlawful acts that have been the subject of an order before the Circuit Court or the High Court under section 71 of the CPA 2007.

Performance

In 2023, 12 platform users contacted the CCPC concerning P2B matters, three of which were outside the scope of the P2B Regulations, and three were subsequently resolved with the platform. For the remaining six, the CCPC provided information to the user contact about how to engage with the platform's internal complaint handling service to resolve their issues. There were no court actions taken, thus no entries on the unlawful acts register.

⁵⁷ Recital 2 refers. See <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32019R1150>

⁵⁸ For more information on P2B see <https://www.ccpc.ie/business/help-for-business/guidelines-for-business/platform-to-business-regulations/>

⁵⁹ S.I. No. 256 of 2020 European Union (Promoting fairness and transparency for business users of online intermediation services) Regulations 2020

Digital Services Act

The EU Digital Services Act (DSA)⁶⁰, which came into effect on 17 February 2024, imposes obligations on online intermediary service providers (including social media platforms, online marketplaces and app stores) to provide a safe, predictable and trustworthy online environment. The DSA complements existing consumer protection, product safety, copyright and audio-visual media legislation and sets out EU-wide rules designed to facilitate the detection, flagging and removal of illegal online content.

Taking steps to help make the internet safer for users by addressing harmful or illegal content, goods, or services online, the Digital Services Coordinator (DSC) for the purposes of the DSA, is Coimisiún Na Meán. It will be the national competent authority responsible for supervising, enforcing and monitoring the implementation of the DSA. The CCPC has also been designated as a competent authority for certain elements of the Digital Services Act 2024.

Also under the DSA, the European Commission has the primary enforcement role in relation to Very Large Online Platforms (VLOPs) and Very Large Online Search Engines (VLOSEs).

Ireland is the place of establishment for 11 of the VLOPs and both of the VLOSEs (i.e., Google and Bing). It is expected that the CCPC's activities under the DSA will entail close cooperation with Coimisiún Na Meán and with the European Commission.

Digital Markets Act

The EU Digital Markets Act (DMA) is designed to tackle dominance in the online space. It contains rules that apply to designated "gatekeepers" that provide core platform services such as marketplaces, app stores, online search engines or cloud computing services in the EU. While the European Commission has exclusive competence for enforcing the DMA, the CCPC will have an important role to play in supporting European Commission investigations e.g., by participating in joint investigation teams or assisting European Commission officials during inspections conducted at the premises of digital businesses based in Ireland.

There are seven Gatekeepers designated under the DMA, five of which are headquartered in Ireland (Alphabet, Apple, Meta, ByteDance and Microsoft). Legislation to give the CCPC the requisite powers to give effective and credible support and assistance to the European Commission in DMA investigations was adopted during 2024.⁶¹

⁶⁰ Regulation (EU) 2022/2065 of the European Parliament and of the Council of 19 October 2022 on a Single Market for Digital Services and amending Directive 2000/31/EC (Digital Services Act).

⁶¹ The European Union (Contestable and Fair Markets in the Digital Sector) Regulations 2024 (SI 117/2024) See <https://www.irishstatutebook.ie/eli/2024/si/117/made/en/print>

Foreign Subsidies Regulation

Under the Foreign Subsidies Regulation (FSR), the European Commission has the power to investigate financial contributions granted to companies active in the EU by countries which are not bound by EU State Aid rules. The European Commission can, if it finds that such financial contributions constitute distortive subsidies, impose measures to redress such effects. It is expected that the CCPC will assist the European Commission under the FSR in three ways:

- Assisting the European Commission to undertake inspections in Ireland.
- Providing relevant information to the European Commission.
- Attending Advisory Committee meetings.

Consumer Protection Enforcement and Compliance

Legislation and Enforcement Powers

The primary consumer protection laws in Ireland are:

- The Consumer Protection Act 2007 – which:
 - Applies to anyone acting on behalf of a business and can also include anyone who promotes goods or services on behalf of a business, including social media influencers and bloggers.
 - Requires transparency in dealing between traders and customers, e.g., it is a criminal offence to make false or misleading claims about goods, services and prices.
- The Consumer Rights Act 2022 – which:
 - Provides a range of consumer protections, and trader obligations regarding the sale of goods and services.
 - Obliges traders to ensure that contracts between traders and consumers do not contain terms unfair to consumers.
 - Provides additional protections for on-line customers, mail-order and phone customers, and customers who purchase on their doorstep.

All businesses have a responsibility and an obligation to comply with consumer protection legislation. To achieve compliance the CCPC enforces a wide range of consumer protection legislation, which establishes consumer rights and corresponding trader obligations. The CCPC has available to it a range of enforcement powers.⁶²

⁶² See <https://www.cpc.ie/business/enforcement/consumer-protection/consumer-protection/>

- a. Prosecution for breaches of consumer protection law is the strongest sanction available to the CCPC. Fines and penalties for successful prosecutions can be significant. E.g., under the Consumer Rights Act 2002 fines and penalties include:
 - i. For minor offences (i.e., summary conviction), fines up to a maximum of €5,000 and/or imprisonment for a maximum term of 12 months.
 - ii. For serious offences, (i.e. conviction on indictment) fines up to a maximum of €60,000 and/or imprisonment for a maximum term of 18 months.
 - iii. Convicted persons may also be liable for the CCPC's costs incurred at trial and/or may be required to compensate consumers for losses or damages arising from the offence.
- b. Prohibition Orders are issued by the CCPC to prohibit traders from committing or engaging in a practice or practices prohibited by Consumer Protection law.
- c. Compliance Notices are issued in writing by the CCPC, to a business owner (a company or individual) who is deemed to have committed a 'prohibited practice,' directing that remedial measures be taken to ensure compliance with consumer protection legislation. (The trader has the right to appeal to the District Court within 14 days.)
- d. Written Undertakings may be sought by the CCPC where it considers a trader is involved in a prohibited act or practice, i.e., the trader states in writing specifically how they will comply with the requirements of the Consumer Protection Act.
- e. Fixed Payment Notices (on the spot fines) can be issued by the CCPC for contraventions of price display legislation. The penalty is €300 and must be paid within 28 days. Failure to pay will result in prosecution.

In addition, in accordance with section 86 of the Consumer Protection Act 2007, as amended, enforcement actions undertaken by the CCPC are recorded and published in the "Consumer Protection List."⁶³

Consumers also have two further options which do not directly involve the CCPC:

- Private legal proceedings through the Small Claims Procedure in the District Court or proceedings in a higher court.
- Alternative Dispute Resolution process, including online processes.⁶⁴

⁶³ See <https://www.cpc.ie/business/enforcement/consumer-protection/consumer-protection-list/>

⁶⁴ See <https://www.cpc.ie/business/help-for-business/consumer-protection-law-how-does-it-apply-to-my-business/> The ODR platform is provided by the European Commission and aims to make cross-border online disputes easier to resolve. It allows consumers to make a complaint about products or services purchased online in Ireland and the EU.

See [https://www.citizensinformation.ie/en/consumer/how-to-complain/online-dispute-resolution/#:~:text=Online%20Dispute%20Resolution%20\(ODR\)%20is,having%20to%20go%20to%20court](https://www.citizensinformation.ie/en/consumer/how-to-complain/online-dispute-resolution/#:~:text=Online%20Dispute%20Resolution%20(ODR)%20is,having%20to%20go%20to%20court) and <https://ec.europa.eu/consumers/odr/main/index.cfm?event=main.home2.show&lng=EN>

Performance

Table 2 shows the consumer protection enforcement powers exercised by the CCPC in the period 2020 to 2023.

Table 2 - Consumer Protection Enforcement Powers Exercised 2020-2023

	2023	2022	2021	2020
Prosecution	1	2	0	2
Prohibition Order	0	0	0	0
Compliance Notice	24	16	22	7
Undertaking	0	0	0	0
Fixed Payment Notices	52	17	10	5

European Consumer Centre Ireland

The European Consumer Centre Network (ECC-Net) is a group of independently managed offices located in each EU and EEA Member State which offer an advice and mediation service to the public about their consumer rights when shopping and travelling in another EU or EEA Member State. CCPC has been allocated responsibility for this service in Ireland from 2024 to 2028.

Hosting ECC Ireland will mean that the CCPC will be able to provide consumers a greater range of services including:

- Acting as a 'one-stop-shop', as ECC Ireland will mean that CCPC must also answer queries from the public on the practices of EU businesses.
- Consumers can directly resolve their issue with a business, as CCPC will be required to provide an ECC complaint handling service. To date, ECC-Net has achieved amicable solutions for approximately 60% of complaints.

ECC Ireland will be required to analyse case data so that:

- Systemic issues are identified and communicated to national enforcement authorities.
- There is an in-depth understanding of the issues consumers encounter in a cross-border capacity, which can inform ongoing EU interaction and policy development.

Product Safety Enforcement and Compliance

Product Safety and Market Surveillance

Market surveillance refers to measures implemented, and actions taken, by public authorities to ensure that products available in a market comply with relevant safety legislation and do not endanger the health and safety of persons. Market surveillance is an important enforcement function which may require the recall of defective and/or non-compliant products.⁶⁵

The CCPC is the National Market Surveillance and National Competent Authority for the implementation and enforcement of certain EU Directives and EU Regulations regarding certain non-food consumer products.⁶⁶ The products subject to CCPC enforcement include children's toys, low voltage equipment, personal protective equipment for consumer use, and appliances burning gaseous fuels for consumer use.

EU legislation, transposed into Irish Regulations, sets out obligations on manufacturers, importers and distributors (including with respect to product recalls), specific investigative powers for Authorised Officers of the CCPC, as well as defining offences and applicable penalties.⁶⁷

For example, the Toy Safety Directive⁶⁸ sets out compliance obligations, e.g., that toys meet EU safety requirements, and that Member State penalties for infringements of the Regulation may include criminal sanctions for serious infringements. The Directive also states:

“The penalties provided for shall be effective, proportionate and dissuasive and may be increased if the relevant economic operator has previously committed a similar infringement of this Directive”⁶⁹

S.I. No. 14/2011 - European Communities (Safety of Toys) Regulations 2011 as amended, transposes this EU Regulation into Irish law. It sets out obligations, offences and penalties. For example,

⁶⁵ Surveillance authorities in Ireland are listed in “National Market Surveillance Authorities/ Competent Authorities in Ireland and the Relevant Legislation 2022.” See [irish-market-surveillance-authorities.pdf \(enterprise.gov.ie\)](#)

⁶⁶ See <https://www.ccpc.ie/business/product-safety/product-safety/>

⁶⁷ For a list of relevant EU and Irish product safety legislation see <https://www.ccpc.ie/business/product-safety/product-safety-legislation/>

⁶⁸ Directive 2009/48EC of the European Parliament and of the Council of 18 June 2009 on the safety of toys. See <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32009L0048>

⁶⁹ *Ibid.* Article 52 refers.

“A person guilty of an offence under Regulation 48 shall be liable—

(a) on summary conviction, to a class A fine or imprisonment for a term not exceeding 6 months or both, or

(b) on conviction on indictment, to a fine not exceeding €500,000 or imprisonment for a term not exceeding 2 years or both.”⁷⁰

Performance

The CCPC identified 499 product corrective actions, including recalls and withdrawals, for the period 2021-2023; of which, 131 were as a result of the CCPC’s proactive market surveillance, resulting in 763,775 units recalled and withdrawn from the Irish market. The remaining 368 were notifications from Ireland and across Europe, resulting in 144,050 units recalled and withdrawn from the Irish market. In collaboration with Revenue and Customs over the same period, 10 enforcement notices were issued by the CCPC, totalling 936,383 product units prevented from being placed in the Irish market.⁷¹

Other Enforcement Functions

Data Governance Act

The Data Governance Act (DGA) aims to promote the availability and re-use of data both by public service bodies and through regulated data intermediaries. The DGA entered into force on 23 June 2023 and was applicable from 24 September 2023. The CCPC is designated as the competent authority to monitor and supervise compliance of so-called data altruism bodies⁷² and data intermediation services under the DGA. The CCPC will be responsible for registration, monitoring and supervisory functions, as well as taking necessary enforcement action for infringements.

⁷⁰ See Regulation 49 of S.I. No. 14/2011 - European Communities (Safety of Toys) Regulations 2011 as amended See <https://www.irishstatutebook.ie/eli/2011/si/14/made/en/print>

⁷¹ See <https://www.ccpc.ie/consumers/product-safety/product-recalls/product-recalls-archive/>

⁷² Individuals and companies now have the tools to give their consent or permission to make their generated data available – voluntarily and without reward – to be used for objectives of general interest. Such data has enormous potential to advance research and develop better products and services, including in the fields of health, environment, and mobility. See <https://digital-strategy.ec.europa.eu/en/policies/data-altruism-organisations>

European Accessibility Act

The European Accessibility Act (EAA), to come into effect in June 2025, places obligations on manufacturers of specified products and providers of specified services to ensure a minimum standard of accessibility for disabled consumers is met. This is for the purposes of mainstreaming of accessibility. The European Union requires Member States to designate market surveillance authorities and competent authorities to monitor compliance and take enforcement actions. The Department of Children, Equality, Integration, Disability and Youth Affairs (DCEDIY) has designated the CCPC both as a market surveillance authority and a competent authority for all goods in the scope of the EAA, as well as ecommerce and ebooks in terms of services.

Research, Analysis and Advice

Sections 10(3) and (4) of the Competition and Consumer Protection Act 2014 provide a broad scope for CCPC research and analysis, either at its own initiative or as requested by the Minister. Sections 10(3) and (4) of the Act apply with equal effect to matters concerning competition and consumer protection, and hence are considered together in this section.

Research Studies and Recommendations

Section 10(3) provides, *inter alia*,⁷³ the legal foundation for the CCPC, at its own initiative or as requested by the Minister to comment on competition and/or consumer protection matters. Under Section 10(3) the CCPC can:

- Advise and make recommendations to the Government, ministers, and/or any public body, or any prescribed body, on any matter which the CCPC considers may have adverse impacts.⁷⁴
- Make recommendations to the Government, the Minister, and/or other ministers, regarding any proposals for legislative change, or any other policy matters.
- Submit to the Minister and/or other ministers, any proposals the CCPC considers appropriate for amendment of any enactment, or for new enactments.
- Identify and comment on constraints imposed by any existing enactment or administrative practice that adversely impacts on competition and/or consumer protection and welfare.

⁷³ The points listed refer to Section 10 Subsections a, k, l, m, n, p.

⁷⁴ Section 19(1) lists the prescribed bodies as the Broadcasting Authority of Ireland, the Central Bank of Ireland, the Commission for Aviation Regulation, the Commission for Communications Regulation, the Commission for Energy Regulation, the Data Protection Commissioner, the Environmental Protection Agency, the Financial Services Ombudsman, the Food Safety Authority of Ireland, the Health Insurance Authority, the National Transport Authority and any other body prescribed by the Minister.

The CCPC can also:

- Co-operate with other authorities, in Ireland or elsewhere, that have responsibility for the enforcement of laws relating to competition and/or consumer protection and welfare.
- Conduct or commission research, studies and analysis on matters relating to the functions of the Commission and may publish such findings as it considers appropriate.

Research, Advocacy and Policy Advice Documents

The output of the CCPC 's research and policy advice work, detailed in Tables 3 - 5, is largely comprised of:

- Research Reports, which provide evidence-based analysis of consumer behaviours and markets.
- Market Studies, which analyse a particular market or market(s) and recommend ways of enhancing competition and/or consumer protection.
- Policy Submissions, in response to public consultations within Ireland, particularly consultation processes run by government departments, or regulators, within Europe, e.g., the European Commission, and internationally, e.g., the OECD.

The CCPC states that it considers the efficiency and impact of different advocacy tools, e.g., detailed market studies, short and focused research reports, when prioritising its research and policy advice work.

Table 3 shows the CCPC reports published since 2022.⁷⁵

Table 3 – Research Reports

Report	Date (M/Y)
Understanding consumer detriment in Ireland	February 2024
Compare and switch: understanding consumer behaviour in regulated markets	November 2023
High-level analysis of the Irish grocery retail sector	June 2023
CCPC Platform to Business research	January 2023
CCPC analysis of fuel price movements	November 2022
Black Friday / Cyber Monday: Research	November 2022
CCPC Impact Assessment Report 2017-2020	June 2022
CCPC Brexit and COVID-19 consumer behaviour and awareness while shopping online	March 2022

⁷⁵ See https://www.cpc.ie/business/research/market_research/

Table 4 shows market studies since the CCPC's establishment in 2014.⁷⁶

Table 4 - Market Studies

Study	Date (M/Y)
Public liability insurance	December 2020
Household waste collection market	September 2018
Personal Contract Plans: The Irish Market	March 2018

Prior to the CCPC's establishment, between 2003 and 2013, TCA undertook 15 market studies into various sectors including groceries, ports, private health insurance, and various professions including architects, general practitioners, and lawyers.

Market study recommendations focus on increasing competition, for the benefit of consumers, in the market or sector under review. Market studies can also facilitate wider economic benefits, such as reducing business costs and thereby improving Ireland's productivity and international competitiveness, an important consideration given the importance of international trade and investment to the Irish economy.⁷⁷

⁷⁶ See https://www.ccpc.ie/business/research/market_studies

⁷⁷ In "Ireland's Competitiveness Challenge 2023" the National Competitiveness and Productivity Council stated that it "welcomes the Competition and Consumer Protection Commission (NCCPC)'s commitment to conduct more sectoral competition studies to provide a better understanding of the effectiveness of competition within selected sectors." See <https://www.competitiveness.ie/publications/2023/ireland%20s%20competitiveness%20challenge%202023.pdf>

Table 5 shows the CCPC policy submissions in 2022 (9) and 2023(10).⁷⁸

Table 5 – Submissions 2022 and 2023

Submission	Date (M/Y)
CCPC submission to the Department of Transport consultation on National En-Route EV charging network plan	December 2023
CCPC submission to the DECC consultation on private wires	November 2023
CCPC submission on incentivising the uptake of time-of-use tariffs	October 2023
CCPC submission to the NCCA in response to updating the transition year programme statement	October 2023
CCPC submission to the consultation on the draft national waste management plan for a circular economy	July 2023
CCPC submission to Department of Enterprise, Trade and Employment consultation on the European proposal for a directive on common rules promoting the repair of goods	July 2023
CCPC submission to ComReg's consultation on the proposals for implementing a customer charter	May 2023
CCPC submission on the EU proposal for a directive on liability for defective products	April 2023
CCPC meeting with International Energy Agency	April 2023
CCPC submission to the Central Bank of Ireland's Consumer Protection Code Review Discussion Paper	March 2023
CCPC submission to the LSRA consultation on admission policies of the legal professions in 2022	February 2023
CCPC observations on the European Commission's Fitness Check of EU consumer law on digital fairness	February 2023

⁷⁸ For the full list of Submissions, including from TCA prior to the CCPC's establishment, see <https://www.ccpc.ie/business/research/submissions/>

CCPC submission to the NCCA in response to the updating of the Leaving Certificate Business Studies Curriculum	October 2022
CCPC submission to the Department of Finance in response to the retail banking review	July 2022
CCPC submission to the NCCA in response to the updating of the Primary School Mathematics Curriculum	June 2022
CCPC submission on establishment of office for fairness and transparency in the agri-food supply chain	March 2022
CCPC submission to the Department of Enterprise Trade and Employment on the proposal for a Data Act	May 2022
CCPC observations on the review of the G20/OECD high-level principles on financial consumer protection	February 2022
CCPC submission to the LSRA consultation on admission policies of the legal professions	February 2022
Submission to the Legal Services Regulatory Authority on the creation of new profession of conveyancer	February 2022
CCPC submission to the NCCA in response to updating Aistear	January 2022

The number of submissions in 2023 and 2022, and similarly for 2021, show a marked increase over previous years from 2014-2020.⁷⁹

Advice to the Minister

Section 10(4) of the Competition and Consumer Protection Act, provides a more direct route and potentially shorter time limit to respond to Ministerial requests for advice.

“The Minister may request the Commission to carry out a study or analysis of—

(a) any issue relating to consumer protection and welfare,

⁷⁹ For the full list of Submissions, including from prior to the CCPC’s establishment, see <https://www.ccpc.ie/business/research/submissions/>

(b) any practice or method of competition affecting the supply and distribution of goods or the provision of services, or
(c) any other matter relating to competition,
and to submit a report to the Minister in relation to the study or analysis, and the Commission shall comply with such a request within such period and in such form and manner as the Minister may specify in the request.”

There has been an increase in the number and ranges of research reports published by the CCPC in recent years, not only through the formal mechanism of a Section 10(4) Ministerial request, but also from enquiries from the Department and at the CCPC's own initiative. Recent research conducted by the CCPC has covered a range of topics including rising prices, e.g., for domestic fuel, groceries and public liability insurance, and the impacts of social media influencers on consumer behaviour.

Public Information

The CCPC publishes extensive information and advice on its website including, as set out below, matters concerning competition, consumer protection, product safety, and consumer financial information and education.

Competition

The CCPC publishes information on competition in various forms. Providing this information serves to clarify the CCPC's approach to control and enforcement and to thereby provide legal certainty regarding businesses' obligations under European and Irish competition law.

Section 10(1)(e) and 10(3)(e) provide a statutory basis for the CCPC to issue public guidance and information. Section 10(1)(e) states that the CCPC has a function:

“To encourage compliance with the relevant statutory provisions, which may include the publication of notices containing practical guidance as to how those provisions may be complied with”

Section 10(3)(e) states that the CCPC has a function to:

“Promote public awareness and conduct public information campaigns in relation to issues of competition.”

Published Documents

The CCPC publishes a wide variety of competition related documents, including:

- Merger Determinations – within 60 working days of its decision, the CCPC publishes the written determination on its website, with due regard for commercial confidentiality.⁸⁰
- Enforcement Decision Notes – descriptions of cases.
- Publication of Submissions set out in Table 5.
- Guidance Notes,⁸¹ e.g.:
 - Bid Rigging.
 - Cartel Immunity Programme.
 - CCPC’s Choice of Enforcement Regime for Breaches of Competition Law.
 - Collective Action.
 - Geo-blocking.
 - Merger Guidelines.
 - P2B Regulation.
 - Price Fixing.
 - Refusal to Supply.
 - Resale Price Maintenance.
 - Trade Associations.

While the primary target audience for competition related information is businesses and competition law practitioners, the guidelines also provide information to academics, practitioners, as well as interested member of the general public.

Consumer Protection

The CCPC provides a dedicated consumer helpline which gives consumers information about their rights and personal finance products and services. The helpline channels include telephone, email, and social media.⁸²

⁸⁰ CCPC “Merger and Acquisition Procedures” page 26. See <https://www.ccpc.ie/business/wp-content/uploads/sites/3/2023/07/CCPC-Mergers-and-Acquisitions-Procedures-2023.pdf>

⁸¹ See https://www.ccpc.ie/business/help-for-business/guidelines_for_business/, <https://www.ccpc.ie/business/wp-content/uploads/sites/3/2023/07/CCPC-Guidance-Note-on-Choice-of-Enforcement-Regime.pdf> and <https://www.ccpc.ie/business/mergers/guidance-on-mergers/guidance-mergers/>.

⁸² The CCPC states that reaching and being accessible to all consumers is a key CCPC objective and that it is reviewing its brand in 2024.

Table 6 shows the total number of contacts (calls, emails, letters) made to the CCPC regarding consumer protection matters for the period from 2018 to 2023.⁸³

Table 6 - Consumer Helpline Contacts 2018 – 2023

	2023	2022	2021	2020	2019	2018
Helpline Contacts	39,172	32,431	37,094	48,603	41,589	42,364

Published Documents

The CCPC publishes a wide range of information on consumer protection, which serves to inform consumers of their rights and to inform trading businesses, and their representatives, of their corresponding obligations. CCPC published documents include:

- Publication of submissions.
- Guidance Notes,⁸⁴ e.g.:
 - Brexit.
 - Car Rental Pricing.
 - Covid Face Masks.
 - Digital Content and Digital Services.
 - Electrical Charger Safety.
 - Electrical Appliance Recycling.
 - Gift Vouchers.
 - Hotel Bar and Restaurant Pricing.
 - Influencer advertising and marketing.
 - Nursing Homes.
 - Product Pricing Price Reduction (Sale Price) announcements.
 - Textile Labelling.

Product Safety

The CCPC, primarily through its website, provides public information on product safety for a variety of types of goods and services. The CCPC provides information on product safety procedures, e.g., who and how to contact regarding unsafe products, and the processes for

⁸³ CCPC Annual Reports for years 2018-2023. See <https://www.ccpc.ie/consumers/about/annual-reports/> CCPC procedures for recording helpline contacts received via email were modified in 2021, meaning that consumers who send multiple emails to the CCPC on the same topic are now classified as one contact only. Applying the previous method of recording contacts, gives overall figures of 41,040 contacts in 2021, 37,225 contacts in 2022 and 43,135 contacts in 2023.

⁸⁴ See https://www.ccpc.ie/business/help-for-business/guidelines_for_business/

recalling dangerous products. The CCPC also provides information on the following items that are potentially dangerous, especially to children:⁸⁵

- Clothing.
- Electrical Chargers.
- Furniture safety, particularly for children.
- Gas and electrical appliance safety.
- Hoverboards.
- Toys.
- Tumble dryer safety.
- Window blinds.

Consumer Information and Financial Education

Section 10(3)(j) of the Competition and Consumer Protection Act 2014 states that the CCPC

“Shall promote the interests of consumers by—

- i. providing information in relation to financial services, including information in relation to the costs to consumers, and the risks and benefits associated with the provision of those services, and**
- ii. promoting the development of financial education and capability.”**

The CCPC’s functions, pursuant to Section 10(3)(j)(ii), are performed in a wide variety of ways, such as online information and advice through the following CCPC web pages:

- Money Hub.⁸⁶
- Money Tools⁸⁷
- Money Clinic.⁸⁸

⁸⁵ See <https://www.ccpc.ie/consumers/product-safety/> The CCPC advice regarding hovers boards is to “Find out what you need to know to avoid trouble down the road.” The CCPC offers similar advice regarding car purchases. See [Cars - CCPC Consumers](#)

⁸⁶ See <https://www.ccpc.ie/consumers/money/>

⁸⁷ See <https://www.ccpc.ie/consumers/money-tools>

⁸⁸ See <https://www.ccpc.ie/consumers/money/budgeting/money-clinic>

Table 7 shows the total number of visits made to on-line Money Tools from 2020 to 2023:

Table 7 - Money Tools Contacts 2020 – 2023

	2023	2022	2021	2020
Number of Visits to Money Tools	936,790	794,974	735,338	616,000

The CCPC offers the following financial education products on its website:⁸⁹

- Money Matters- information oriented towards Junior Cycle students.
- Money Counts - information oriented towards Leaving Certificate Applied students.
- Money Skills for Life – a short programme oriented to employees.
- Parents’ Hub – material oriented to parents and guardians.

The CCPC has published reports concerning financial wellbeing, literacy and capability, as well as annual research and reports that address specific issues as and when they arise. Table 8 lists these reports.⁹⁰

Table 8- Financial Education, Capability and Wellbeing Reports

Report	Date (M/Y)
CCPC Pensions Research	September 2024
CCPC Christmas Shopping Research 2023	December 2023
CCPC Pensions Research 2023	September 2023
Financial Wellbeing in Ireland: Financial literacy and inclusion in 2023	July 2023
CCPC Christmas Shopping Research 2022	December 2022
CCPC Switching Research (Phase 2)	November 2022
CCPC Pensions Research 2022	September 2022

⁸⁹ See <https://www.ccpc.ie/consumers/about/financial-education/>

⁹⁰ See https://www.ccpc.ie/business/research/market_research/

Current Account switching research 2022	July 2022
Savings Research ("Combining nudges and boosts to increase precautionary saving: A large-scale field experiment")	May 2022
Investment Research	September 2021
Mortgage Switching	January 2020
Loan calculators	August 2019
Financial capability and wellbeing in Ireland 2018	December 2018
Mortgage Switching	February 2017
Insurance Consumer Behaviour	December 2015
Contactless Transactions and Mobile Banking	December 2015

The CCPC's consumer financial information and education function is highly visible, including through its sponsorship of television programmes "How To Be Good With Money" and more recently "The Complaints Bureau."

The CCPC's consumer financial information and education function is closely aligned with the Department of Finance's Financial Literacy Strategy, an important priority for the Minister for Finance. Financial Literacy is also an important policy priority internationally and the CCPC and Department of Finance are both members of the OECD's International Network on Financial Education (INFE).⁹¹

European Engagement

In performing its control, enforcement, policy, advice and public information functions, the CCPC engages extensively in Europe. Of particular importance is the CCPC's engagement with:

⁹¹ See <https://www.oecd.org/financial/education/oecd-international-network-on-financial-education.htm>

- E.U. Member States and the European Commission:
 - As a National Competent Authority.
 - Through EU Member State networks.

Peer engagement provides a valuable way to learn from, and share, experience and expertise, as well as fostering ongoing cooperation - all of which contribute to the CCPC's performance.

CCPC as a National Competent Authority

European Directives and Regulations provide a basis for national legislation in Member States. National Competent Authorities are organisations that have the authority to implement European law within a Member State. The CCPC is the National Competent Authority for implementation, within Ireland, of EU legislation pertaining to competition and consumer protection, once transposed into national legislation. The CCPC is, in some instances, the sole national competition authority, e.g., Merger Control, P2B Regulations. For some legislation other organisations, in addition to the CCPC, are designated as competent authorities. For example, ComReg has competition and consumer enforcement functions relating to the telecommunications sector. Annex 1 contains a full list of EU legislation under which the CCPC is designated a competent authority, either solely or in conjunction with one or more other organisation.

Member State Networks

Networks of Member State agencies provide an important opportunity for the CCPC to remain aware of, and participate in, developments in competition and consumer protection. The CCPC is an active participant in Member State networks.

The European Competition Network (ECN) is comprised of the European Commission and all Member State National Competition Authorities. The ECN was established as a forum for discussion and cooperation for European competition authorities with respect to Articles 101 and 102 of the Treaty of the Functioning of the European Union. The ECN provides a forum for the European Commission and Member States to:

- Inform each other of new cases and pending enforcement decisions.
- Coordinate investigations, where necessary.
- Assist each other with investigations.
- Exchange evidence and other information.
- Discuss issues of common interest.

The Consumer Protection Cooperation Network, of which the CCPC is a member, operates in a similar way. The Network is comprised of Member State national consumer protection

authorities under the umbrella of EU Regulation 2017/2394/EU,⁹² which aims to facilitate mutual assistance in cross-border cases within the EU, and to coordinate enforcement activities.

In its role as National Competent Authority for product safety, and as a National Market Surveillance Authority, the CCPC engages regularly with the European Commission, in particular DG Just and DG Sante, to coordinate activities on product safety between Member States. The CCPC participates in product recall notifications through the European reporting Safety Gate mechanism (RAPEX). The CCPC also engages with product safety advisory committees for the areas in which the CCPC is the competent national authority.

International Engagement

The CCPC also engages more broadly with international colleagues, e.g., through OECD committees on competition, consumer protection and product safety and also membership of the International Competition Network.⁹³

CCPC and Other National Regulators

Engagement with other national regulators provides an important means for the CCPC to benefit from dialogue and information exchange regarding competition and consumer protection measures in particular sectors. The CCPC engages on a regular and on-going basis with other Irish regulatory agencies. There are formal Cooperation Agreements in place with:⁹⁴

- ComReg.
- Central Bank of Ireland.
- Coimisiún na Meán.
- Commission for Regulation of Utilities.
- Health Insurance Authority.
- National Transport Authority.

The CCPC is also part of informal groupings, established to facilitate cooperation, such as:

⁹² Regulation (EU) 2017/2394 of the European Parliament and of the Council of 12 December 2017 on cooperation between national authorities responsible for the enforcement of consumer protection laws and repealing Regulation (EC) No 2006/2004.

⁹³ <https://www.internationalcompetitionnetwork.org/>

⁹⁴ The CCPC also had MOUs with previous iterations of new bodies – namely the Commission for Aviation Regulation and BAI – which are now outdated because these entities have been dissolved and replaced.

- The Economic Regulators Network (CCPC, Coimisiún na Meán, ComReg,)
- The Digital Regulators Group (CCPC, Coimisiún na Meán, Data Protection Commission, ComReg).

CCPC Impacts

Outcome indicators, i.e., indicators of the ultimate impact of CCPC functions, are difficult to estimate and typically not readily available. However, the CCPC Impact Assessment Report 2017-2020⁹⁵ completed in 2021 estimated a financial benefit to consumers, for 2017-2020, from the CCPC's competition enforcement and merger control work at €65.82 million. The Report also estimated that for every €1 of Exchequer funding to the CCPC, benefits of €7.19 accrued to consumers.⁹⁶

Recommendations

- The CCPC to report to DETE on planned market studies, in the context of its broader research planning. The reduction in activity in this area is noticeable compared to the period 2002-2014. The lower level of activity in this area is also in marked contrast to other research and policy activities.
- The CCPC to report to DETE on management arrangements for instances where the CCPC acts on behalf of Ministers and/or agencies other than the Minister of Enterprise, Trade and Employment or DETE agencies.
- The CCPC to undertake and/or commission periodic independent outcome effectiveness assessments of its competition, consumer protection, product safety and consumer financial information and education functions such as to repeat and extend the analysis in the CCPC Impact Assessment Report 2017-2020.

⁹⁵ See <https://www.ccpc.ie/business/wp-content/uploads/sites/3/2022/06/2022.06.02-CCPC-Competition-Impact-Assessment.pdf> published in June 2022.

For an example from outside of Ireland see ACCC 2023 Effectiveness Survey at https://www.accc.gov.au/system/files/ACCC%202023%20Effectiveness%20Survey%20Report_0.pdf

⁹⁶ In July 2023, the Competition and Markets Authority in the United Kingdom issued "CMA impact assessment 2022 to 2023. See

https://assets.publishing.service.gov.uk/media/64a6ddb84dd8b3000c7fa5f9/CMA_Impact_Assessment_Report_2022_to_2023.pdf

Chapter 4 – CCPC Capacity

Introduction

The organisational capacity of the CCPC depends on various key factors including:

- Governance, e.g., top level decision making, risk management and procurement processes and accountability obligations (internal and external).
- Organisational Structure.
- Human resources, e.g., staff levels, vacancies, recruitment and retention.
- Financial management, including with respect to distinct funding streams.
- Systems and infrastructure, e.g., information technology, human resources, case management and accommodation.

Governance

External Governance

The CCPC has reporting obligations to DETE and the Oireachtas and the Chairperson is accountable to the Minister and to the Oireachtas. For example, Section 32 of Competition and Consumer Protection Act 2014 requires the CCPC to present an Annual Report to the Minister, and for the report to be laid before each House of the Oireachtas.

The Chairperson is also answerable to the Oireachtas. In particular, Section 26 of the Act requires the Chairperson of the CCPC, when requested, to appear before the Oireachtas Public Accounts Committee. Similarly, Section 27 of the Act requires the Chairperson of the CCPC, when requested, to appear before any other committee.

The Competition and Consumer Policy Unit has the primary responsibility, within DETE, for liaising with and monitoring the CCPC. The CCPC's reporting obligations to DETE, set out in an oversight and performance delivery agreement, include monthly financial reports, quarterly reports on staff numbers, and key performance indicators, and the submission of Annual Reports, proposed levies and budget submissions. The monitoring and reporting arrangements also include regular quarterly meetings between representatives of the CCPC and the Competition and Consumer Policy Unit.

The CCPC is also subject to Comptroller and Auditor General ("CAG") oversight and annual audit, and the CAG's audit opinion is included with the published annual report and financial statements.

Internal Governance

The highest level of internal governance of the CCPC is a Commission that consists of a Chairperson and three full-time Members.⁹⁷ The Chairperson is responsible for the running of the organisation and for corporate governance. The Chairperson is assisted in the leadership and management of the CCPC by the Members and other senior executives. The Members of the Commission are appointed by the Minister for Enterprise, Trade and Employment, following an open Public Appointments Service competition, for a term not exceeding five years.

The Commission meets regularly, at least twice a month with the most significant decisions requiring, or reserved for, decision by the whole Commission. These decisions include:⁹⁸

- Approving annual budgets, corporate plans, Annual Reports, Financial Statements and Strategy Statements.
- Approving policies covering finance, procurement, risk, human resources, codes of conduct and conflicts of interest.
- Approving major contracts, investments, capital projects.
- Approving the appointment of staff, their terms and conditions of service and remuneration.
- Making a determination, mainly for Phase 2 mergers, whether a merger may be put into effect.
- Starting civil proceedings on a breach of Sections 4 or 5 of the Competition Act 2002 or Articles 101 or 102 of the Treaty of the Functioning of the European Union.
- Starting a prosecution for an offence as set out in the Consumer Protection Act 2007.
- Referring a file to the office of the Director of Public Prosecutions (DPP) for alleged cartel offences.
- Making a recommendation to the DPP to grant or revoke conditional immunity for involvement in a cartel.

In addition, there are informal consultations between the Chairperson and the Members, and in practice many decisions are delegated to individual Members, POs and other staff, where appropriate.

The CCPC prioritises its activities; particularly work arising from contacts with the public, with reference to four high level prioritisation principles:⁹⁹

⁹⁷ Section 12(3)(a) of the Competition and Consumer Protection Act specifies 1 Chairperson and between two and six Members.

⁹⁸ CCPC Annual Report 2022 page 46. See https://www.ccpc.ie/business/wp-content/uploads/sites/3/2023/08/2023.06.29_CCPC_Annual-Report-2022.pdf

⁹⁹ See <https://www.ccpc.ie/business/about/decide-take-action/>

- i. Level of economic and/or physical harm to consumers, businesses, and the wider economy.
- ii. Likely impact of the CCPC's action to counter harm and increase consumer welfare.
- iii. Strategic significance with respect to the CCPC's mission, values and goals.
- iv. Risks, resources and costs of taking action.

By prioritising its work, the CCPC seeks to focus its resources in areas which will result in the greatest benefits to consumers, businesses and the economy. These principles help guide the CCPC when deciding on enforcement actions, advocacy measures, public awareness initiatives or other activities.

The CCPC operates internal controls and policies to promote and ensure compliance with its obligations as a public body. These obligations cover various areas including data protection, ethical conduct,¹⁰⁰ health and safety, prompt supplier payments, and adherence to the Public Spending Code.

CCPC internal governance includes independent oversight through the CCPC Audit and Risk Committee which has a majority of external members¹⁰¹ and reports to the Chairperson.

Organisational Structure

Each Member of the Commission oversees one or more Divisions, each of which is headed by a Principal Officer. At year end 2023 the CCPC had 10 Divisions:

- Cartels Division.
- CEM - Competition Enforcement and Mergers.
- Communications Division.
- CPE - Consumer Protection and Enforcement.¹⁰²
- CSD - Corporate Services Division.
- FTDA - Forensic Technology and Data Analytics.
- HRD - Human Resources and Organisational Development Division.
- LSD - Legal Services Division.
- PRI - Policy Research and International
- PSD - Product Safety Division

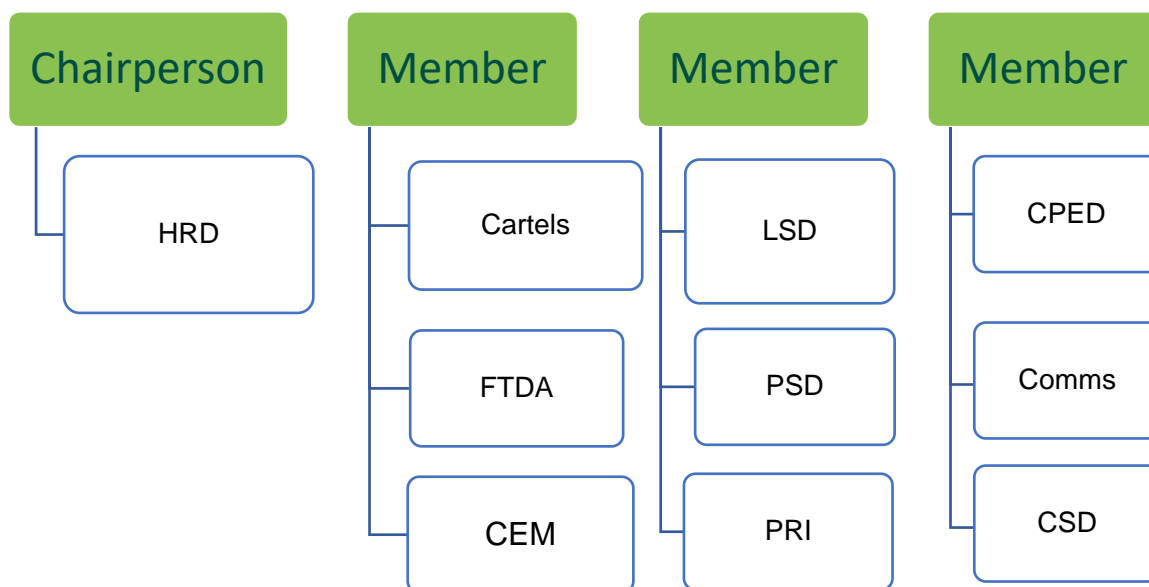
Figure 2 sets out the organisational structure of Members and Divisions.

¹⁰⁰ A CCPC Code of Conduct sets out the standards and expectations required of all CCPC staff.

¹⁰¹ *op cit.* Note 4, page 6.

¹⁰² In January 2024 this Division was split into separate Consumer Protection and Consumer Enforcement Divisions.

Figure 2 - CCPC Organisational Structure Year End 2023



The Organisational Structure has changed since 2015 (as shown in Figure 1 of Chapter 2). While at the end of 2023 there remained 10 Divisions,¹⁰³ some Divisions from 2015 either no longer exist or have been restructured, while other Divisions have been established since 2015. For example:

- In 2015, Competition (Civil) Enforcement and Merger Control functions were located in distinct divisions. In 2023 those functions are combined into one division.
- In 2015, there was a single division for criminal enforcement of both competition and consumer protection law. In 2023 these functions are in separate divisions.
- In 2015, the product safety function was located in the Consumer Enforcement Division. In 2023 there is a separate Product Safety Division.
- In 2015, the Human Resources function was located in the Corporate Services Division. In 2023 there are separate divisions for corporate services and human resources functions.
- FTDA Division was established in 2021 to enhance the CCPC’s capacity in areas including digital forensics, eDiscovery and Open source intelligence. Applying this expertise supports other CCPC functions, in particular its enforcement functions.

¹⁰³ There is also sanction for a further Principal Officer for the Adjudication function included in the Competition Amendment Act 2022.

- In 2020, the Policy & International Division was established to enhance the CCPC's policy development and advocacy with national and international stakeholders. Expanded in 2021 with a dedicated Research function, the Division was renamed Policy, Research and International Division.
- In January 2024, Consumer Protection and Enforcement was separated into two separate divisions.
- Since September 2023, the ECCI implementation function has reported directly to a Member rather than as part of a Division.
- The CCPC plans, in 2024, to nominate Adjudication Officers¹⁰⁴ and establish an Adjudication Unit to assist them in exercising their adjudication function.

While not an exhaustive list of changes between 2015 and 2024, these examples illustrate how the CCPC has operated in a dynamic policy environment with consequent changes to the organisation's structure. While some division structures and remits have changed during that time, as described in Chapter 3, the Member/Director senior management structure (including the numbers at each level) has remained largely unchanged even though the CCPC has expanded substantially. Staff numbers have doubled since 2019, while the organisation's budget has also more than doubled to support the expanded mandate in the same period.

The CCPC itself has identified the need for a review of senior level organisational structures, (i.e., Principal Officer and higher). The Review will determine what structures will best support the CCPC into the future. The Chairperson's Introduction to the CCPC's most recent Strategy Statement states

“The CCPC has undergone remarkable growth, expanding its portfolio and capacities, adapting to the digital shift. This expansion is set to continue, particularly as the regulation of digital and the data space evolves. Ensuring our team is well-equipped and structured to match our expanded remit remains a priority.”¹⁰⁵

Human Resources

The CCPC is not unique in facing a challenging environment for hiring and retaining staff. However, given that the CCPC's enforcement, regulation and policy advice functions require technical and specialist skills, the CCPC's staffing challenges can be acute. Many of the required skills are not readily available and experienced staff are often not readily replaceable. Staffing challenges are likely to continue during 2024 and 2025 given planned

¹⁰⁴ Nominations for appointment will be made to the Minister for Enterprise, Trade and Employment, who has the authority to make the appointments.

¹⁰⁵ CCPC Strategy 2024-2026 page 2. See <https://ccpc.inventise.ie/consumers/wp-content/uploads/sites/2/2023/11/2024.11.13-100707-CCPC-Strategy-Statement-FINAL-WEB.pdf>

and envisaged increases in the size of the organisation and the range of CCPC functions arising from an expanded legislative remit.

Total Staff Levels

As shown in Figure 3, the expanding functions of the CCPC has led to increased CCPC staff numbers. Total staffing levels within the CCPC have increased steadily from 84.5 whole time equivalent (WTE) positions at year end 2015 to 182.2 at year end 2023, slightly more than doubling in that time.

Figure 3 - CCPC Whole Time Equivalent Staff 2014 – 2023

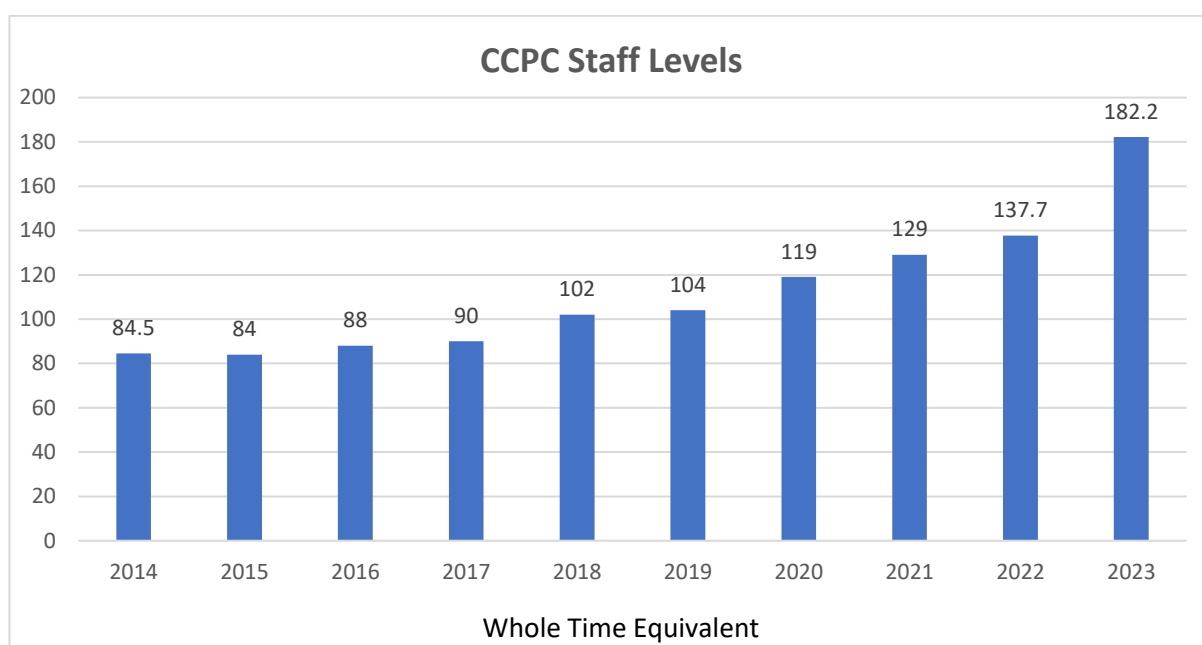


Table 9 shows the total actual staff number, at year end 2023, of 218 (or 214 excluding Chairperson and Members) subdivided by Division. At year end 2023, the Whole Time Equivalent figure was 182.2 for a head count of 186.

Table 9 – Staff by Division at Year End 2023

Division	Staff	% of Staff ¹⁰⁶
Cartels – Cartels Division	12	6.5%

¹⁰⁶ Staff Numbers and Proportions in Tables 1 and 2 are calculated using actual staff numbers excluding Chairperson and Members.

CEM – Competition Enforcement and Mergers	25	13.4%
Comms – Communications Division	31	16.7%
CPED – Consumer Protection and Enforcement	32	17.2%
CSD – Corporate Services Division	22	11.8%
FTDA - Forensic Technology and Data Analytics	3	1.6%
HRD - Human Resources Division	10	5.4%
LSD - Legal Services Division	15	8.1%
PRI - Policy Research and International	14	7.5%
PSD - Product Safety Division	20	10.8%
ECCI - IE	2	1.1%
Adjudication Unit	0	0.0%
Total	186	100.0%

CCPC Staff Grades

The Commission is comprised of staff in a variety of grades as summarised in Table 10 below:

Table 10 - CCPC Staff by Grade at Year End 2023

Grade	Number	% of Staff
Principal Officer	10	5.4%
Assistant Principal Officer (Higher)	18	9.7%
Assistant Principal Officer	34	18.3%
Higher Executive Officer	67	36.0%

Administration Officer	1	0.5%
Case Officer ¹⁰⁷	6	3.2%
Executive Officer	47	25.3%
Clerical Officer	3	1.6%
Total	186	100.0%

Each CCPC division is headed by a director at Principal Officer level. Together, the number of directors and Assistant Principal Officers indicate a high proportion of staff at senior level. As shown in Table 10, at year end 2023 one third (33.4%) of CCPC staff were at the Assistant Principal (Standard) grade or higher. Just over one third (36.0%) of CCPC staff are employed at the Higher Executive Officer / Administrative Officer grade. The high proportion of staff at or above Higher Executive Officer / Administrative Officer grade, is indicative of an organisation that requires management skills, technical skills and experienced staff in order to effectively perform its various functions.

The technical skills of CCPC staff are also illustrated in the overall level of educational qualifications within the CCPC. Internal CCPC data indicates high education levels, for example:

- 35 per cent of staff qualified to Level 8 (degree or higher diploma),
- 57 per cent Level 9 (master's degree/post graduate diploma level)
- 4 per cent to Level 10 (doctoral degree).

It is anticipated that additional CCPC functions will require further positions at AP or AP Higher to establish units within the CCPC, as well as further staff at PO grade to lead any new divisions.

CCPC Staff by Division and Grade

Each division is headed by a director at Principal Officer level. For most divisions, one or more positions have been established, at the Assistant Principal Higher grade, in addition to the existing Assistant Principal Standard positions. These Deputy Director positions, have a significant managerial remit of staff up to AP level.

¹⁰⁷ Case Officers are AP Equivalentents but with no managerial responsibilities.

Table 11 shows the staffing levels in each of the CCPC Divisions at year end 2023.

Table 11 - CCPC Staff by Grade and by Division at Year End 2023

Division	CO	EO	AO/HEO	CSO	AP	AP1	PO	Total
Cartels	0	2	4	1	1	3	1	12
CEM	0	6	9	2	4	3	1	25
Comms	0	11	14	0	3	2	1	31
CED	0	4	7	1	3	1	1	17
CPD	0	5	5	1	3	1	0	15
CSD	2	7	8	0	3	1	1	22
FTDA	0	0	0	0	2	0	1	3
HRD	1	3	3	0	2	0	1	10
LSD	0	0	6	0	6	2	1	15
PRI	0	1	5	1	3	3	1	14
PSD	0	7	7	0	3	2	1	20
ECC-IC	0	1	0	0	1		0	2
Total	3	47	68	6	34	18	10	186

Vacancies

Since inception, the CCPC has faced staff vacancy challenges, as indeed did NCA and TCA. Table 12 sets out CCPC vacancies at year end 2023.

Table 12 – CCPC Vacancies by Grade and Division for Year End 2023

Division	PO	AP1	AP	HEO	EO	Total
Cartels	0	0	1	0	1	2
CEM	0	0	1	2	1	4
Comms	0	0	1	0	0	1
CED	0	0	0	0	0	0
CPD	0	1	0	1	1	3
CSD	0	0	1	0	0	1
FTDA	0	2	0	1	0	3
HRD	0	0	0	0	0	0
LSD	0	0	1	0	0	1
PRI	0	0	1	0	1	2
PSD	0	0	1	0	1	2
ECC - IE	1	0	1	3	3	8
Adjudication Unit	1	0	0	0	0	1
Total	2	3	8	7	8	28

Given a sanctioned headcount of 218 staff,¹⁰⁸ 28 vacancies represent just under 13% of total sanctioned positions at year end 2023. Of the 28 vacancies, 23 were at Assistant Principal

¹⁰⁸ Calculated as total staff number *in situ* plus vacancies, excluding Chairperson and Members.

or higher. Table 13 shows sanctioned vacancies as a percentage of total sanctioned positions for each of the grades in Table 12 above.

Table 13 – CCPC Vacancies and Sanctioned positions at Year End 2023 by Grade

Grade	Vacancy	Sanctioned	Percentage
PO	2	12	16.7%
AP1	3	21	14.3%
AP	8	42	19.1%
HEO / AO	7	75	9.3%
EO	8	55	14.6%

At year end 2023, vacancy rates for Principal Officer, Assistant Principal Officer Higher and Assistant Principal Officer grades, across the CCPC as a whole, ranged between 14.3% and 19.0%, with vacancies for these grades most apparent in the Cartels, CEM, Legal Services and PRI Divisions. The vacancy rates for Higher Executive Officers and Executive Officers were 9.35% and 14.5% respectively. These figures reflect long standing staffing challenges for the CCPC, challenges which will be exacerbated by the addition of new CCPC functions.¹⁰⁹

Staff Retention

Staff retention is a key factor for the effectiveness of the CCPC in performing its various functions. High staff turnover has the potential to be problematic for functions requiring highly skilled and/or experienced staff. Internal CCPC data for the period 2018-2022, highlighted the challenge of staff retention. For example:

- Average length of service for Executive Officers and Higher Executive Officers was slightly less than three years.
- Average length of service for staff at Assistant Principal Officer or higher was slightly less than five years.

¹⁰⁹ A recent report by KPMG, commissioned by the Digital Regulators Group (DRG), comprising Coimisiún na Meán, the Commission for Communications Regulation, the Competition and Consumer Protection Commission and the Data Protection Commission, has identified issues of common concern with respect to recruitment of skilled and experienced staff.

Furthermore, the CCPC's own analysis of exit data from the period 2018 to 2022 identifies three main areas of staff dissatisfaction leading to a decision to leave:

- Career progression/promotion.
- Career development.
- Remuneration.

Retention of staff at HEO level and higher is particularly challenging. Staff at these levels typically demonstrate technical skills and experience, qualities that are vital for CCPC capacity and performance both at present and in the future, with an anticipated expansion in its mandate, roles and responsibilities.

The importance of staff retention is well recognised by the CCPC in its most recent Strategy Statement.

“Retention will be a key driver of our ability to deliver over the next three years. Recruiting, retaining and developing our staff will be the foundation stone upon which all of our strategic goals will be built.”¹¹⁰

Income and Expenditure

The CCPC is funded primarily from two sources:

- Exchequer funding
- Levy funding for financial education.

The CCPC also receives fees e.g., from merger notifications and credit intermediary registrations. These fees are returned to DETE and not retained by the CCPC.

Table 14, showing the breakdown of income for the years 2020 to 2023 and also the 2024 budgeted figures, indicates that levy income has been relatively stable, increasing slightly in 2023 and projected to increase in 2024. The proportion of CCPC income deriving from the levy, relative to total income, ranges from a low of 12.3% in 2022 to 16.2% in 2023. Table 15 shows a breakdown of levy-and exchequer funding for CCPC expenditure.

¹¹⁰ *op cit.* Note 22, page 4.

Table 14 - CCPC Income 2020 – 2024

	2020 (€m)	2021 (€m)	2022 (€m)	2023 (€m)	2024 (€m)
Exchequer	12.7	14.0	18.2	20.4	25.7
Levy	2.6	2.7	2.4	3.7	4.5
Other ¹¹¹			0.2		
Total	15.3	16.7	20.8	24.1	30.2
Non-Retained	0.8	1.5	1.2	1.2	

The figures in Table 15 indicate that expenditure on personal finance and financial education functions.

Table 15 - CCPC Expenditure 2020 – 2023

	2020 (€m)	2021 (€m)	2022 (€m)	2023 (€m)
Total CCPC Functions	13.4	16.1	18.8	21.6
Levy Functions	2.2	2.8	2.8	3.4
Total less Levy Functions	11.2	13.3	16.1	18.2

The figures in Table 15 indicate that levy funding is relatively stable, between €2 and €3 million between 2020 and 2022, increasing slightly in 2023. The proportion of CCPC expenditure on “levy functions” relative to total expenditure is fairly stable, ranging from a low

¹¹¹ Funding from the Department of Finance, in 2022 only, for bank switching campaigns.

of 14.9% in 2022 to 15.7% in 2023. These figures indicate that the consumer financial information and education function comprises a significant part of the CCPC's activity.

The legal foundation for levy financing is significant in that the levy effectively ring-fences funding, i.e., the levy provides a dedicated and separate source of funding for the consumer financial information and education function. The revenue from the levy covers collection costs.¹¹²

The delivery of the CCPC's consumer financial information and education function is primarily by the Communications Division, with support from staff in other corporate functions including Finance, Legal, PRI and HR.

Management Systems

While this PCR does not find any critical matters in management systems, there are indications that the current systems are at or close to their limits, given the rapid expansion in CCPC size and breadth of functions. Projected future expansion of the CCPC further highlights the importance of ICT and human resource management capacities for the effective future functioning of the CCPC.

The CCPC Strategy Statement recognises the ongoing strategic importance of maintaining and enhancing ICT and human resource management. For example, the CCPC has committed to

“Develop and deliver an ICT strategy to provide systems and infrastructure to enable effective and flexible working.

Enhance learning and development, including the digital capability of our people.

Regularly review our strategic workforce planning to guide how our organisation will evolve and grow in size and capability.”¹¹³

¹¹² Levy funding also contributes to covering corporate overheads. A 90:10 ratio (Exchequer: Levy) is generally applied subject exceptions.

¹¹³ Strategy Statement page 15 See <https://www.ccpc.ie/consumers/wp-content/uploads/sites/2/2023/11/2024.11.13-100707-CCPC-Strategy-Statement-FINAL-WEB.pdf>

Similarly, case management, monitoring and recording of the CCPC's work across its various compliance and enforcement functions does not give rise to immediate critical concerns. Current systems for processing cases and investigations vary by function and by division. This gives rise to the risk of inconsistent recording of relevant information. In turn, this gives rise to the risk of difficulties in accessing information across divisions, which can hamper performance, e.g., where information and data from one function may be useful across one or more functions. The CCPC is well aware of the strategic importance of case management capacity. For example, the CCPC has committed to:

"Enhance our case management processes so that we can assign resources to high impact cases"¹¹⁴

An increase in the volume and range of CCPC workloads, arising from the expansion of the CCPC mandate, can be anticipated, and with it increased risks in the handling and processing of compliance and enforcement cases. Consequently, with an expanding CCPC mandate, an enhanced case management capability would appear appropriate for the CCPC and its staff to process enforcement and/or compliance cases both efficiently and accurately. The CCPC has recognised a requirement for improvements in case management capability and is piloting an enhanced case management system in 2024. The CCPC is also working towards the implementation of an enhanced human resources information system to be implemented during 2024.

Location and Accommodation

The CCPC has been located in Bloom House, Railway Street, Dublin 1 since April 2017, after it moved from its previous location in Parnell Square, Dublin 1. While sufficient in size at the time of the CCPC's move to Bloom House, the increase in staff numbers, close to a doubling in size, implies a physical capacity constraint.

The CCPC has implemented various measures at Bloom House to ensure the CCPC can perform its functions. For example, blended working arrangements, an open plan layout,¹¹⁵ desk sharing and lockers for staff have reduced the prospect of over-crowding, and risks to performance. The CCPC is well aware of physical capacity issues and is involved in ongoing contacts with DETE and the Office of Public Works (OPW).

¹¹⁴ *Ibid.* page 9.

¹¹⁵ There are single occupancy offices for the Chairperson and Members only.

Recommendations

- The CCPC to report to DETE on proposed initiatives regarding organisational structures, staff recruitment and retention, outreach activities, brand development and accommodation.
- The CCPC to report to DETE on the financing options for CCPC actions undertaken that relate to the mandate and/or activities of agencies and/or Departments (for example the Digital Services (Levy) Bill 2024).

Chapter 5 - Conclusions and Recommendations

The CCPC operates in a dynamic external environment, a fact clearly demonstrated in this PCR. Significant changes to European and Irish legislation since the CCPC's establishment in October 2014, along with further expected changes are, and will likely remain, the primary reason for its expanding mandate. The CCPC is currently the sole National Competent Authority (NCA) for 19 pieces of EU legislation and joint NCA for 9 pieces of EU and national legislation.

There are further items of European Legislation where the CCPC is potentially going to be designated a NCA, including for example, the EU Artificial Intelligence Act (AI Act), the first comprehensive law on AI, which aims to ensure that the fundamental rights, health and safety of the individual are protected while promoting responsible innovation.

Furthermore, whilst it may be possible to identify the nature and type of the support that the CCPC will be required to provide to the European Commission in, for example, Digital Market Act and Foreign Subsidies Regulation investigations, the impact of these additional activities on the CCPC is not yet known. The same can be said for the monitoring, supervision and enforcement of data altruism bodies and data intermediation services under the Data Governance Act, and the responsibilities assigned to the CCPC under the European Accessibility Act.

Table 16 below compares the range of CCPC functions in 2015, soon after its establishment in October 2014, to its current range of functions. The breadth of its expanded mandate is clear to see.

Table 16 - Expansion of CCPC Functions

CCPC Functions 2015	CCPC Functions 2024 – Current, Enhanced and Pending
Upon Establishment	Current
Merger Control	Merger Control
Criminal Enforcement of Competition Law (Cartels)	Criminal Enforcement of Competition Law (Cartels)
Civil Enforcement of Competition Law (Abuse of Dominance)	Civil Enforcement of Competition Law (Abuse of Dominance)

CCPC Functions 2015	CCPC Functions 2024 – Current, Enhanced and Pending
Enforcement of Consumer Protection Law	Enforcement of Consumer Protection Law
Product Safety Enforcement	Product Safety Enforcement
Promoting Compliance through Guidance Materials	Promoting Compliance through Guidance Materials
Policy Advice and Advocacy (e.g., Market Studies, Submissions, recommendations to Government)	Policy Advice and Advocacy (e.g., Market Studies, Submissions, recommendations to Government)
Market Research of Consumer Behaviour	Market Research of Consumer Behaviour
Promoting Compliance with Competition and Consumer Protection Law e.g., through Guidance Materials	Promoting Compliance with Competition and Consumer Protection Law e.g., through Guidance Materials
Contacts with public (written, phone and online) concerning potential breaches of consumer and competition law)	Contacts with public (written, phone and online) concerning potential breaches of consumer and competition law)
Financial Education	Financial Education
Authorisation of Credit Intermediaries	Authorisation of Credit Intermediaries
Authorisation of Pawnbrokers	Authorisation of Pawnbrokers
Authorisation of Alternative Dispute Resolution	Authorisation of Alternative Dispute Resolution
Grocery Regulation	
	Enhancements
	ECN+ Directive / Competition (Amendment) Act 2022 (Administrative Fines and Adjudication Officers)
	Consumer Rights Act 2022

CCPC Functions 2015	CCPC Functions 2024 – Current, Enhanced and Pending
	Additional
	European Consumer Centre Ireland
	EU Accessibility Act
	EU Digital Services Act
	EU Digital Markets Act
	EU Digital Governance Act
	EU Data Act
	EU Foreign Subsidies Regulation 2020
	P2B Regulations
	Pending
	EU General Product Safety Regulation (from December 2024)
	EU Artificial Intelligence Act
	EU Proposals for Alternative Dispute Resolution

The CCPC's mandate is broad in comparison to its international counterparts. The CCPC includes functions that could be considered outside of the traditional core competition and consumer protection functions, certain market surveillance functions such as under the EAA, enforcing product safety legislation, authorising credit intermediaries, regulation of Alternative Dispute Resolution providers, and the new responsibilities in the data and digital spheres. This PCR does not and cannot comment on whether or not the CCPC is the right entity for these additional activities, but the contrast, and its implications for capacity and performance are important to highlight.

The CCPC is contending with an expanding mandate in a tight labour market and with staff retention a significant concern. It is worth restating here the vacancy rates as reported at the end of 2023:

- Vacancy rates for Principal Officer, Assistant Principal Officer Higher and Assistant Principal Officer grades, across the CCPC as a whole, ranged between 14.3% and 19.0%, with vacancies for these grades most apparent in the Cartels, CEM, Legal Services and PRI Divisions.
- Vacancy rates for Higher Executive Officers and Executive Officers were 9.3% and 14.5% respectively.

These figures reflect long standing staffing challenges for the CCPC,¹¹⁶ challenges which will be exacerbated by the addition of new CCPC functions. The CCPC has taken various actions to address the challenges from a changing external environment, e.g., adjusting divisional structures, reviewing senior management structures, introducing simplified procedure for mergers, enhancing the European and international dimension of its work, reviewing ICT Case Management, and reviewing accommodation arrangements. The physical capacity constraint at Bloom House, despite several alleviation measures implemented by the CCPC, is likely to become more acute.

This PCR has not identified any significant issues in external or internal governance. There are effective external governance mechanisms in place, including accountability to the Minister for Enterprise, Trade and Employment, Ministers of State and the Oireachtas, and well established and effective reporting and monitoring arrangements, through an Oversight and Performance Delivery Agreement between the CCPC and the Department of Enterprise, Trade and Employment.

The critical issues concerning CCPC capacity and performance, arise primarily from the recent and pending changes to the external environment. Increasing the range of CCPC tasks and responsibilities increases the risk of weaker performance, due to gaps in CCPC capacity.

¹¹⁶ *Op cit.* note 109. Other regulatory bodies, particularly those in the digital sphere, face similar challenges.

Consequently, this PCR finds that the following recommendations should be given consideration by the CCPC.

1. The CCPC to report to DETE on proposed initiatives regarding organisational structures, staff recruitment and retention, outreach activities, brand development, and accommodation.
2. The CCPC to report to DETE on its traditional core versus new and additional activities and identify the relevant synergies and efficiencies that may occur once new functions are integrated into the CCPC.
3. The CCPC to report to DETE on planned market studies, in the context of its broader research planning. The reduction in activity in this area is noticeable compared to the period 2002-2014. The lower level of activity in this area is also in marked contrast to other research and policy activities.
4. The CCPC to report to DETE on the financing options for CCPC actions undertaken that relate to the mandate and/or activities of agencies and/or Departments (for example the Digital Services (Levy) Bill 2024).
5. The CCPC to report to DETE on management arrangements for instances where the CCPC acts on behalf of Ministers and/or agencies other than the Minister of Enterprise, Trade and Employment or DETE agencies.
6. The CCPC to undertake and/or commission periodic independent outcome effectiveness assessments of its competition, consumer protection, product safety and consumer financial information and education functions, such as to repeat and extend the analysis in the CCPC Impact Assessment Report 2017-2020¹¹⁷.

¹¹⁷ CCPC Impact Assessment - Estimating the Consumer Benefits of the CCPC's Competition Enforcement and Merger Control (2017-2020).

Annex 1: CCPC as National Competent Authority

The CCPC is designated a National Competent Authority for the implementation of European Union Regulations and Directives. The CCPC is either a sole national competent authority or a joint authority with other Irish regulators.

CCPC as Sole National Competent Authority.

The CCPC is the sole competent authority for the implementation of the following EU Regulations and Directives:

- Merger assessment as provided under the Competition Act 2002, as amended; the Competition and Consumer Protection Act 2014, as amended; and the Competition (Amendment) Act 2022.¹¹⁸
- Platform to Business Regulations (Regulation 2019/1150/EU as given effect by S.I. No. 256 of 2020).
- Consumer Rights Directive - European Union (Consumer Information, Cancellation and Other Rights) Regulations 2013 S.I. No. 484 of 2013.
- Data Governance Act (Regulation 2022/868/EU, pending implementing Irish legislation).
- Registration of Consumer Credit Intermediaries, under the Consumer Credit Act 1995, as amended.
- Digital Services Act (Regulation 2022/2065, pending implementing Irish legislation) - the CCPC will have sole responsibility for Article 30 Traceability of traders, Article 31 Compliance by design and Article 32 information requirements.
- Certain EU Directive and Regulations for the safety of non-food consumer products.¹¹⁹
- Market surveillance authority for harmonised product safety legislation applicable to toys, low voltage equipment, personal protective equipment for consumer use, and appliances burning gaseous fuels for consumer use.
- Unfair consumer contracts - European Communities (Unfair Terms in Consumer Contracts) Regulations, 1995.
- Alternative Dispute Resolution –The European Union (Alternative Dispute Resolution for Consumer Disputes) Regulations 2015 – S.I. No. 343 of 2015 and S.I. No. 368 of 2015.

¹¹⁸ See also <https://www.ccpc.ie/business/mergers/legislation-on-mergers/>

¹¹⁹ See also <https://www.ccpc.ie/business/product-safety/product-safety-legislation/>

- Online Dispute Resolution – European Union (Online Dispute Resolution for Consumer Disputes) Regulations 2015 S.I. No 500 of 2015.
- Consumer Rights Directive – European Union (Consumer Information, Cancellation and other rights) Regulations 2013.
- E-commerce Directive - European Communities (Directive 2000/31/EC) Regulations 2003 S.I. No 68 of 2003.
- Hallmarking – Consumer Protection (Consumer Information) (Articles of Precious Metals) Regulations 2019 S.I. No 442 of 2019.
- Package Travel Directive – European Union (Package Travel and Linked Travel Arrangements) Regulations 2019 S.I. No 80 of 2019 and Package Holidays and Travel Trade Act 1995.
- Payment Services Directive - European Union (Payment Services) Regulations 2018 S.I. No 6 of 2018 where both the CCPC and CBI are competent authorities.
- Price Indication Display Directives – European Union (Requirements to indicate Product Prices) (Amendment) Regulations 2022 S.I. No 297 of 2022.
- Misleading Comparative Advertising: European Communities (Misleading and Comparative Marketing Communications) Regulations 2007 S.I. No. 774 of 2007).
- Precious Metals - Consumer Protection (Consumer Information) (Articles of Precious Metals) Regulations 2012 (S.I. No. 143/2012) and as amended in the Consumer Protection Act 2007, as amended.
- Financial Education - European Union (Payment Accounts) Regulations 2016 (S.I. No. 482/2016).

CCPC as Joint National Competent Authority

The CCPC is a joint competent authority for the implementation of the following EU Regulations and Directives:

- For the Digital Services Act (Regulation 2022/2065) the CCPC will share responsibilities with and, in certain circumstances, report to Coimisiún na Meán. Coimisiún na Meán will be the main Digital Services Coordinator, in the context of cooperation with other competent authorities, investigations into breaches of the DSA and assistance with European Commission investigations.
- Along with the CCPC, the courts and ComReg have competencies in enforcing competition law. Both the CCPC and ComReg (although ComReg's role is limited) have administrative enforcement functions (including fines) as competent authorities under the Competition (Amendment) Act 2022. The CCPC also has functions under EC Regulation No. 1/2003 in relation to cooperation with European Commission on competition law and enforcement.
- The CCPC is the main competent authority under the Consumer Protection Act 2007, as amended and the Consumer Rights Act 2022 (also amending the Sale of Goods and Supply of Services Act 1980). However, ComReg and other agencies have certain limited functions within the context of their sectoral regulation e.g., in relation to misleading commercial practices.

- The CCPC shares responsibility for the advertising of Credit Intermediaries with the Central Bank and has specific responsibility for the authorisation of credit intermediaries and for maintaining the Register of Credit Intermediaries.
- The CCPC also shares responsibility under European Communities (Distance Marketing of Consumer Financial Services) Regulations 2004 S.I. No. 853 of 2004 with CBI.
- The CCPC, Coimisiún na Meán, HPRA, NTA, ComReg, CBI, Irish Aviation Authority, DPC are all competent authorities for the purposes of the Consumer Protection Cooperation Regulations 2022 S.I. No 14 of 2020. The CCPC is the Single Liaison Office for the CPC Regulations.
- Both the CCPC and CBI have competences under the SEPA Regulations – European Union (Requirement for Credit Transfers and Direct Debits in Euro) (Amendment) Regulations 2016 S.I. No 204 of 2016 and European Union (Requirements for Credit Transfers and Direct Debits in Euro) Regulations 2013 (S.I. No. 132 of 2013).
- Both the CCPC and CBI have competences under European Union (Consumer Mortgage Credit Agreements) Regulations 2016.
- The Interchange Fees Regulations – both the CCPC and CBI have competences under European Union (Interchange Fees for Card-based Payment Transactions) Regulations 2015 (S.I. No. 550/2015), as amended by the European Union (Interchange Fees for Card-based Payment Transactions) (Amendment) Regulations 2016 S.I. No. 292/2016.