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Directorate for Financial and Enterprise Affairs  
**COMPETITION COMMITTEE**

## Annual Report on Competition Policy Developments in Ireland

-- 2020 --

This report is submitted by Ireland to the Competition Committee FOR INFORMATION.

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*Table of contents*

<b>Ireland .....</b>	<b>3</b>
<b>1. Executive Summary .....</b>	<b>3</b>
<b>2. Changes to competition laws and policies, proposed or adopted .....</b>	<b>4</b>
2.1. Summary of new legal provisions of competition law and related legislation .....	4
2.2. Other relevant measures, including new guidelines .....	4
1.3 Government proposals for new legislation .....	5
<b>3. Enforcement of competition laws and policies .....</b>	<b>6</b>
3.1. Action against anticompetitive practices, including agreements and abuses of dominant positions .....	6
3.2. Mergers and acquisitions .....	9
<b>4. The role of competition authorities in the formulation and implementation of other policies, e.g. regulatory reform, trade and industrial policies .....</b>	<b>11</b>
<b>5. Resources of competition authorities .....</b>	<b>12</b>
5.1. Resources overall (current numbers and change over previous year) .....	12
5.2. Human resources .....	13
5.3. Period covered by the above information .....	13
<b>6. Summaries of or references to new reports and studies on competition policy issues.....</b>	<b>13</b>
6.1. Public liability insurance market study.....	13
6.2. White collar crime – The Hamilton Report .....	14
6.3. Legal Services Regulatory Authority (LSRA) report into the education and training of legal practitioners .....	14

## *Ireland*

### 1. Executive Summary

1. The COVID-19 pandemic meant that the CCPC had to adapt quickly to a challenging and constantly changing environment in 2020, managing a huge surge in demand for the CCPC's services, while at the same time ensuring that our core work was kept on track.

2. There were significant advancements in our ongoing investigations including the issuing of preliminary findings in our investigation into suspected anti-competitive practices, including price signalling, in the private motor insurance sector. The preliminary findings alleged that five insurers, an insurance industry trade association and an insurance broker had potentially engaged in anti-competitive cooperation over a 21-month period during 2015 and 2016.

3. 2020 also saw Ticketmaster Ireland enter into an agreement with the CCPC which was made an order of the High Court. This followed an extensive investigation, which commenced in 2017, into suspected anti-competitive practices in the provision of tickets and the operation of ticketing services for live events. The CCPC had concerns that Ticketmaster Ireland may have abused a dominant position in the market. The agreement committed Ticketmaster Ireland to removing exclusivity clauses with venues in contracts for the supply of outsourced primary ticketing services.

4. With the onset of the COVID-19 pandemic, the CCPC moved its merger control process from paper-based to online and obtained statutory designation so that we could conduct remote oral hearings in Phase 2 merger investigations. The CCPC also facilitated the remote reviewing of mergers and provided longer deadlines for Request for Information responses. In July, the CCPC launched a Simplified Merger Notification Procedure (SMNP). The regime has delivered efficiency benefits for businesses and allowed for speedier decision timelines in mergers which are unlikely to raise competition concerns. By the close of 2020, seven mergers had been cleared under the SMNP, with an average time period for a decision of 13.4 working days.

5. In our advocacy work, in December 2020, the CCPC completed its study into the public liability insurance market in Ireland. The study, which was submitted to the Minister for Enterprise, Trade and Employment and An Tánaiste, Leo Varadkar, made a number of evidence-based policy recommendations. The CCPC continues to actively engage with Government and other stakeholders to progress the implementation of the recommendations of our study and on the broader insurance reform agenda.

6. Throughout 2020 we dedicated significant resources to preparing the organisation for the considerable expansion and changes to our remit that will take place in the coming years, as new legislation takes effect. New competition legislation, the Competition (Amendment) Bill 2021, is expected to be introduced in 2021. The Bill will transpose Directive EU 2019/1 (ECN+ Directive) into Irish law and introduce a number of significant changes to the current competition law enforcement regime in Ireland. In 2020, we continued to work closely with our parent Department, on the transposition of the ECN+ Directive and the drafting of the Bill to ensure that Ireland's competition law regime can meet the challenges of current markets. We began planning internally for implementing and operationalising the requirements of the Bill. We also actively engaged and participated in discussions with key stakeholders, including the Commission for Communications

Regulation (ComReg), the Director of Public Prosecutions (DPP) and the legal community regarding the transposition of the ECN+ Directive.

## 2. Changes to competition laws and policies, proposed or adopted

### 2.1. Summary of new legal provisions of competition law and related legislation

7. No new legal provisions of competition law were introduced in 2020

### 2.2. Other relevant measures, including new guidelines

#### 2.2.1. *Simplified Merger Notification Procedure*

8. In July 2020, the CCPC introduced a simplified merger notification procedure (SMNP) and related guidelines. Under the SMNP, notifying parties of mergers or acquisitions which do not raise significant competition concerns are not required to provide certain information. The SMNP regime provides efficiency benefits for businesses through reduced notification requirements and speedier decision timelines. The new simplified merger notification procedure does not replace the current procedure for reviewing mergers.

#### 2.2.2. *Extension of verticals declaration*

9. The CCPC extended the validity of its declaration in respect of vertical agreements and concerted practices, in October 2020. This extension will be in effect until 01 December, 2022. Vertical agreements which restrict competition are prohibited under Section 4 of the Competition Act 2002, as amended (“the 2002 Act”). The 2002 Act permits the CCPC to declare in writing that a specified category of vertical agreements, decisions or concerted practices are not prohibited by Irish competition law. The CCPC’s declaration closely resembles the Vertical Block Exemption Regulation (the “VBER”), which is currently being reviewed by the European Commission, in advance of its expiry in May 2022. The CCPC will consider any potential changes to the VBER as a result of the European Commission review and we will subsequently consult with stakeholders on potential revisions to the declaration.

10. The CCPC’s decision to extend this declaration facilitates this review process, whilst ensuring legal clarity and certainty in respect of vertical agreements and concerted practices in this transition period.

#### 2.2.3. *White collar crime report*

11. In 2018, a commitment was made by Government to review Ireland’s anti-corruption and anti-fraud structures and procedures in criminal law enforcement. Pat Kenny, Member of the CCPC Commission and Eksteen Maritz, Director of the CCPC’s Criminal Enforcement Division, participated in the review group. The report “Review of structures and strategies to prevent, investigate and penalise economic crime and corruption” was published in December 2020.

12. The report made a number of structural, legislative and resourcing recommendations to enhance the capacity of agencies, including the CCPC, with the purpose of further tackling white collar crime. It recommended recognising bid-rigging as a distinct form of hard-core cartel behaviour. The report also supported the introduction of a bid-rigging screening system for public procurement data which would be important in

the detection and deterrence of bid-rigging in public procurement processes and procurement across the economy generally. The CCPC has worked with our parent Department for the provision of a specific offence of bid-rigging in the forthcoming Competition (Amendment) Bill as well as for the CCPC to be provided with additional surveillance powers.

13. The review group recommended the extension of surveillance powers to the CCPC and changes to the custody regulations to assist in the investigation of economic crime such as cartel activity. If implemented, these recommendations will provide important tools to enable the CCPC to counteract the secretive and covert nature of such criminal behaviour.

### **1.3 Government proposals for new legislation**

#### ***2.2.4. Competition (Amendment) Bill 2021***

14. New competition legislation, the Competition (Amendment) Bill 2021, is due to be enacted in 2021. The Bill will transpose Directive EU 2019/1 (ECN+ Directive) into Irish law and introduce a number of significant changes to the current competition law enforcement regime in Ireland. The ECN+ Directive provides for minimum guarantees and standards to empower national competition authorities with the appropriate tools to enforce EU competition law in a harmonised manner. In particular, the ECN+ Directive requires Ireland to introduce non-criminal financial sanctions for breaches of EU competition law.

15. The Bill will also include amendments to existing competition legislation which are outside the scope of the ECN+ Directive. These include: the introduction of a specific offence of bid-rigging, giving powers to the CCPC to bring summary prosecutions in respect of gun-jumping offences, enhanced surveillance powers when investigating serious criminal breaches of competition law, and the introduction of additional powers relating to our merger regime. The purpose of these amendments is to further bolster the CCPC's powers in the enforcement of EU and Irish competition law and the statutory merger review regime.

16. The CCPC is very strongly supportive of the aims and content of the ECN+ Directive and of the Bill. It is essential that we have sufficient and coherent powers to effectively deliver on our core objectives. In particular, the CCPC considers that the introduction of non-criminal financial sanctions will fill a significant gap in the existing competition law enforcement regime in Ireland and is of critical importance for the effective enforcement of competition law in Ireland. The CCPC's strong preference is for the introduction of an administrative enforcement regime in Ireland, whereby the CCPC would itself have the power to impose fines for breaches of competition law.

#### ***2.2.5. Garda Síochána (Powers) Bill***

17. This proposed piece of legislation, the General Scheme of which was published in June 2021, will provide a clear and transparent statutory basis for the existing police powers of search, arrest and detention for An Garda Síochána. The part of the Scheme dealing with search warrants will also apply to the CCPC.

### 3. Enforcement of competition laws and policies

#### 3.1. Action against anticompetitive practices, including agreements and abuses of dominant positions

##### 3.1.1. Summary of activities:

18. One of the core functions of the CCPC is to enforce competition law and to take legal action when the CCPC believes that the law has been broken. Enforcement work can be divided into two categories:

19. The first category relates to hard-core cartels. In Ireland these are treated as criminal breaches of competition law. Where the CCPC believes that it has enough evidence of a criminal cartel agreement, a file on that case is normally referred to the Director of Public Prosecutions (DPP) for a prosecution on indictment in the Central Criminal Court. In some instances, the CCPC may initiate a summary prosecution in the District Court.

20. The second category relates to abuse of dominance and anti-competitive agreements which do not amount to a cartel, for example, vertical agreements. These are treated as civil breaches of competition law. The CCPC can seek a declaration in Court that the behaviour is unlawful, and secure an injunction directing the undertaking to cease the behaviour. However, under Irish law, in civil cases the CCPC does not have decision making powers and neither the CCPC nor the courts have fining powers for civil breaches of the law.

21. In summary, in 2020, the CCPC:

- Issued preliminary findings in relation to our investigation into suspected anti-competitive practices in the provision of private motor insurance in the State.
- Ticketmaster Ireland entered into an Agreement with the CCPC and gave certain commitments as to its future behaviour.
- Responded to follow-on queries regarding a file that was referred to the Director of Public Prosecutions (DPP) in relation to potential bid-rigging in the procurement of publicly-funded transport services.
- Continued a formal investigation into the alleged conduct of a UK household furniture wholesaler concerning resale price maintenance in Ireland. The investigation was ongoing at the end of 2020.
- Closed an investigation into alleged anticompetitive practices in the bagged cement sector.
- An investigation into alleged anti-competitive conduct by the Restaurants Association of Ireland (RAI) remained open while the CCPC continued to monitor developments in the sector.
- A warning letter was issued to two trade associations, the Irish Hairdressers Federation (IHF) and the Hairdressing Council of Ireland (HCI) to remind them that any attempts to advise, recommend or suggest to their members the prices they should charge for hairdressing services would raise competition law concerns. This contact was in advance of hairdressers reopening after COVID-19 related closures. Trade associations like the IHF and HCI are known as “associations of undertakings” under competition law and are therefore not allowed to recommend price increases to their members. This is a form of price-fixing under Irish and EU

competition law. In response, the IHF and HCI informed the CCPC that they would not make any public statements on future pricing intentions or make recommendations in relation to members' prices.

- Following an extensive examination, the CCPC wrote to over 200 complainants regarding complaints that had been made to the CCPC in 2019 relation to competition issues in the beef sector. The CCPC found there was insufficient evidence of a breach of competition law to warrant taking any further action at the time.
- A mutual agreement was reached between the CCPC and Booking.com to extend the duration of commitments on Most Favoured Nation clauses in online hotel bookings from 1 October 2020 until 1 July 2023.
- Opened 11 screening complaints and closed 8 relating to potential civil breaches of competition law.
- In December 2020, the CCPC acted as rapporteur in a meeting of an EU Advisory Committee on Cartels, when the European Commission re-adopted a cartel decision against CCPL Group and imposed total fines of €9,441,000 on three entities of CCPL Group for their participation in three separate cartels in the retail food packaging sector. The companies fixed prices and allocated customers of polystyrene foam or polypropylene rigid trays, in breach of EU antitrust rules.

### *Other Activities*

22. In September the CCPC launched awareness campaigns on price fixing and bid-rigging. We produced two information videos to explain to businesses what price fixing and bid-rigging are, how they affect competition and the penalties for breaking the law. From September to November, the videos were promoted on YouTube and social media platforms including LinkedIn and Twitter. The price fixing campaign generated almost 1.1 million impressions (which is the number of times the campaign displayed on a user's screen), and delivered 337,143 completed views. The bid-rigging campaign delivered 467,686 impressions and generated 198,765 completed views.

23. CCPC staff members presented at the Public Affairs Ireland's 'Certificate in Public Procurement' course on three occasions where they gave lectures on competition law and cartels with a particular focus on bid-rigging.

### *3.1.2. Description of significant cases, including those with international implications*

#### *Cartel investigations:*

24. Public procurement

- Cartels, where businesses offering the same or similar products or services collectively agree not to compete with one-another or to fix prices, cause very significant harm to competition and consumers. Bid-rigging in public procurement can be particularly harmful as it can artificially increase prices and reduce the quality of services the State provides while ultimately costing taxpayers more. The CCPC prioritises these investigations. In 2020, the CCPC responded to a number of follow-on queries regarding a file that was referred to the Director of Public Prosecutions (DPP) in relation to potential bid-rigging in the procurement of publicly-funded transport services in certain parts of Munster and Leinster.

*Non-cartel investigations:*

## Motor insurance investigation

25. In September 2020, the CCPC issued preliminary findings in relation to an investigation into suspected anti-competitive practices in the provision of private motor insurance in the State, contrary to section 4(1) of the Competition Act 2002, as amended (the “2002 Act”) and Article 101(1) of the Treaty on the Functioning of the European Union.

26. The alleged anti-competitive cooperation activities under investigation include a practice which is commonly referred to as ‘price signalling’.

27. The CCPC’s preliminary findings alleged that five insurers, an insurance industry trade association and an insurance broker had potentially engaged in anti-competitive cooperation over a 21-month period during 2015 and 2016. The parties named in the findings are:

- AIG Europe S.A;
- Allianz PLC;
- AXA Insurance DAC;
- Aviva Insurance Limited;
- FBD Insurance PLC;
- Brokers Ireland, formerly the Irish Brokers Association; and,
- AA Ireland Limited

28. The alleged anti-competitive cooperation consisted of public announcements of future private motor insurance premium rises as well as other contacts between competitors, all of which potentially reduced levels of competition between the parties. The CCPC’s findings are provisional and the relevant parties have the opportunity to consider them and respond. The parties have the option to engage with the CCPC to offer commitments regarding their future behaviour to address the CCPC’s competition concerns. The CCPC will carefully consider any responses before deciding if it will bring civil court proceedings pursuant to section 14A(1) of the 2002 Act or to take some other course of action. At the end of 2020, the engagement with the parties was ongoing<sup>1</sup>.

## Ticketing investigation

29. In January 2017, the CCPC commenced an investigation into suspected anti-competitive practices in the provision of tickets and the operation of ticketing services for live events. The CCPC had serious competition law concerns that Ticketmaster Ireland may have abused a dominant position in the market by entering into long-term exclusive contracts with contractual partners and that these contracts may have restricted competition in the market.

30. Following this investigation, Ticketmaster Ireland denied breaching competition law but nevertheless entered into an agreement with the CCPC. It gave certain

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<sup>1</sup> In August 2021 the CCPC secured legally binding commitments from six parties that were under investigation. The commitments require each company to implement and maintain an appropriate internal competition law compliance program, or enhance any existing programs that they have in place. Further details of the investigation and commitments secured can be found on [ccpc.ie](http://ccpc.ie)



commitments to address the competition law concerns identified by the CCPC and to modify its future behaviour. In summary, the agreement committed Ticketmaster Ireland to removing exclusivity clauses with venues in relation to the supply of outsourced primary ticketing services and also reduced the number of years of exclusivity arrangement with live event organisers.

31. In December 2020 the CCPC made an application to the High Court for an order pursuant to section 14B(2) of the Competition Act 2002, as amended, in the terms of an agreement in November 2020 between the CCPC and Ticketmaster Ireland. Having granted the CCPC's application, the High Court made an order in the terms of the CCPC's agreement with Ticketmaster on 15 December 2020, subject to the expiry of a standstill period of 45 days.

32. Following the conclusion of the 45 day standstill period, the order came into effect on 29 January 2021 and the terms of the agreement are now binding on Ticketmaster.

## 3.2. Mergers and acquisitions

### *3.2.1. 2.2.1 Statistics on number, size and type of mergers notified and/or controlled under competition laws*

33. In 2020, 41 mergers were notified.

34. The most prominent sectors were information & communications and healthcare. There was a reduction in notifications from the motor and real estate sectors compared with 2019.

35. 15 investigations involved an extended Phase 1 review, five of which were carried forward from 2019.

36. Of these 15 investigations, Phase 1 determinations were made in respect of 12; two of the extended Phase 1 reviews required a Phase 2 investigation which were still under consideration at the end of 2020; and the remaining extended Phase 1 investigation was also still under consideration at the end of 2020.

37. The CCPC reviewed four media mergers. Three were received in 2020 and one carried over from 2019.

38. 43 determinations were issued in 2020. 32 of the determinations were issued in respect of proposed transactions notified during 2020 and the remaining 11 were in respect of proposed transactions notified towards the end of 2019 which were carried over to 2020.

39. While the CCPC did not prohibit any mergers during 2020, formal commitments to alleviate competition concerns were required and obtained from notifying parties in respect of one case. Additionally, in 2020, the CCPC oversaw the implementation of divestment remedies in one transaction.

40. The CCPC is required to monitor EU merger activity and, when it considers there is a significant interest to Ireland the CCPC can attend and participate in EU merger advisory committees. Over the period 1 January 2020 to 31 December 2020, the CCPC followed the European Commission's investigations into a number of proposed mergers including the following:

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- M.9010 Grupa / Lotus
  - M.9564 LSEG / Refinitiv Business
  - M.9097 Boeing / Embraer
  - M.9409 Aurubis / Metallo Group Holding
  - M.9730 Peugeot S.A/ Fiat Chrysler Automobiles

### 3.2.2. Summary of significant cases:

#### *CVC Funds/Celtic Rugby DAC*

41. In 2020, the CCPC cleared, subject to a binding commitment, the transaction whereby certain interests of Celtic Rugby Designated Activity Company (Celtic Rugby DAC) were acquired by CVC, through a newly incorporated company NewCo.

42. Following notification in November 2019, the CCPC undertook an extended Phase 1 investigation to establish whether the proposed transaction would result in a substantial lessening of competition for goods or services in the State. During the course of this investigation, the CCPC became aware of media reports of a possible investment by CVC Funds in the Six Nations Championship which raised potential competition concerns regarding the likely competitive impact of the proposed transaction in the event of such investment.

43. CVC submitted proposals to the CCPC. In response to these concerns, CVC committed that if an entity invested in by CVC Funds, directly or indirectly, enters a legally binding agreement to acquire control over the commercial activities of the Six Nations Championship, it would voluntarily notify that transaction to the CCPC in the event the transaction did not meet the mandatory notification thresholds.

44. In 2021, in accordance with the commitment undertaken by CVC, that company notified the CCPC of its intention to acquire certain ownership interests in the business of Six Nations Rugby Limited. The proposed transaction was reviewed and subsequently approved by the CCPC.

#### *Berendsen/Kings Laundry and Enva/Rilta – Divestment remedies*

45. In 2020, the CCPC oversaw the implementation of divestment remedies in M/18/063 Berendsen/Kings Laundry. In relation to M/18/063 Berendsen/Kings Laundry the determination, subject to binding commitments, was made in July 2019. The commitments bound Berendsen to divest certain healthcare contracts to a suitable third party purchaser. The parties could only implement the proposed transaction subject to CCPC approval of the divestment package and also the approval of a suitable purchaser of the divestment package.

46. In June 2020, the CCPC decided that Elis/Berendsen had fulfilled the requirements set out in the commitments. Following the CCPC's decision, on 7 July 2020, the acquisition of Kings Laundry Limited by Berendsen Ireland limited was put into effect.

47. In relation to M/18/036 Enva/Rilta, the determination, subject to binding commitments, was made in December 2018. These commitments involved both structural and behavioural type commitments. The structural commitment which involved a divestment of a business facility was completed in March 2020, the implementation of which was monitored and approved by the CCPC. The monitoring of the behavioural commitment is on-going.

#### 4. The role of competition authorities in the formulation and implementation of other policies, e.g. regulatory reform, trade and industrial policies

48. The CCPC promotes competition in many different ways. The CCPC highlights areas of the economy where competition is restricted, publishes reports on how competition may be improved in certain sectors, advises government departments and other state agencies on competition issues relevant to their work, comments on proposed legislation and responds to public consultations. Within the CCPC, the Policy function deals with both competition and consumer protection matters.

49. In 2019, the Minister for Business, Enterprise and Innovation asked the CCPC to conduct a study of the public liability insurance market in accordance with section 10 (4) of the Competition and Consumer Protection Act 2014. The completed CCPC market study made a number of evidence-based policy recommendations. Further details regarding these recommendations can be found in Section 5 of this report.

50. In 2020, the CCPC responded to nine formal consultation processes and held 10 significant meetings with Government, regulators and law makers on matters relating to competition advocacy. We also engaged with government departments in relation to the detection of bid-rigging in public procurement. The CCPC also hosted a virtual legal briefing for legal stakeholders to discuss recent developments in merger control and the likely impact of events domestically, particularly Brexit, on the future of merger reviews in Ireland.

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

51. In February 2020, Member of the Commission, Pat Kenny gave the keynote address alongside Eddy de Smijter, Head of International Relations at DG Comp, at the European Commission at the ‘EU Competition Law’ conference in Dublin. Mr. Kenny’s keynote address focused on Brexit and the potential impact it will have on mergers and competition, the ECN+ Directive and areas where changes need to be made to ensure cartel behaviour can be better detected. Laura McGovern, Deputy Director of Legal Services in the CCPC, also participated in a panel discussion with Lisa Arsenidou from the European Commission about the changes to the competition law enforcement regime which will be introduced by the ECN+ Directive.

52. In September and December 2020, the CCPC’s Criminal Enforcement Division hosted a Criminal Investigations Group webinar with a number of international competition authorities that either prosecute cartel cases criminally, or are interested in moving to a criminal regime. In September, over 42 representatives attended from 14 different countries across six continents. A number of topics were discussed over the course of the webinar, including; obtaining third party communications, confidentiality of document requests to third parties, jurisdiction issues with data located in different countries, as well as encrypted messaging services.

53. In December 2020, members from 10 countries and four continents attended the last international Criminal Investigation Group meeting of 2020. The discussion centred on issues and solutions to balancing the right of companies to maintain their commercial secrets against the right of competitor companies for complete disclosure of evidence gathered by the authority. Representatives from Canada, New Zealand, Israel, Austria, the UK’s Competition and Markets Authority and the U.S. Department of Justice Antitrust spoke at these virtual events.

54. In November, Ibrahim Bah, Director of Competition Enforcement and Mergers at the CCPC, spoke at an ICN merger working group webinar. The theme of the event was ‘*Merger Control in Times of Crisis*’. During the webinar, Ibrahim shared the experience of the CCPC in reviewing mergers during COVID-19 including our Temporary Merger Notification Procedure and practical steps undertaken by the CCPC to ensure the seamless review of mergers.

## 5. Resources of competition authorities

### 5.1. Resources overall (current numbers and change over previous year)

55. At the end of 2020, 115 staff members were employed by the CCPC, across its dual mandate. This represents an increase of approximately 9.5% on 2019.

#### 5.1.1. Annual budget (in your currency and USD)

56. The CCPC is funded by way of an annual grant from the Department of Enterprise, Trade and Employment, and also an industry levy in respect of specific consumer information and education functions in the financial services sector. The CCPC’s budget allocation in 2020 was €14,966,000. As the CCPC is a dual agency for competition and consumer protection, many functions have a dual mandate including Criminal Enforcement, Policy, Legal Services, Corporate Services, Organisational Development and Communications. Budgets are not apportioned between competition and other functions/activities.

**Table 5.1. Competition and Consumer Protection Commission Budget 2020:**

Budget	2020 (euro/€)	2020 (US Dollars/\$)
Exchequer	12,336,000	15,098,030 (approx.)
Levy	2,630,000	3,218,850 (approx.)
Total	14,966,000	\$18,316,880 (approx.)

#### 5.1.2. Number of employees:

**Table 5.2. Number of employees**

Lawyers (primarily competition focused)	17
Economists (primarily competition focused)	
Other professionals (primarily competition focused)	14
Total (primarily competition focused)	43
Other Staff (e.g. staff working in Consumer Protection, Communications, Product Safety, Corporate Services and Organisational Development functions)	72

## 5.2. Human resources

57. The main Divisions that are specifically responsible for competition enforcement are as follows:

- Competition Enforcement & Mergers – 20 staff.
- Criminal Enforcement – 13 staff.
- Legal Services – seven staff.
- Other professionals: The CCPC employs three digital forensic specialists whose roles are concerned with competition enforcement investigations, and also extend across other Enforcement Divisions. Three staff members work in the CCPC's policy function. Policy staff members have a dual competition and consumer role.

## 5.3. Period covered by the above information

58. The above information covers the period 1 January 2020 to 31 December 2020.

## 6. Summaries of or references to new reports and studies on competition policy issues

### 6.1. Public liability insurance market study

59. In 2019, the then Minister for Business, Enterprise and Innovation, Heather Humphreys, TD asked the CCPC to conduct a study of the public liability insurance market in accordance with section 10 (4) of the Competition and Consumer Protection Act 2014. The completed CCPC study was submitted to the Minister for Enterprise, Trade and Employment and An Tánaiste, Leo Varadkar, in December 2020 and made a number of evidence-based policy recommendations. The CCPC's study examined the public liability insurance market from a competition perspective. The findings were informed by extensive stakeholder engagement and research. The CCPC also undertook market research amongst a large sample of public liability insurance buyers, such as businesses and community-based organisations, and we used our statutory power under section 18(1)(d) of the Competition and Consumer Protection Act 2014 to send requests for information to industry representative bodies. The market study found:

60. That high premium increases in public liability insurance are an issue across all sectors of the economy.

61. That a lack of independent public data on the insurance market, as well as a lack of open access to claims history information, may be acting as barriers to market entry.

62. The level of engagement by buyers in the market was relatively low.

63. Uncertainty on claims costs were perceived as being a significant driver of increasing premiums.

64. Based on these findings, the CCPC made a number of recommendations including: improved availability of data to ensure enhanced access to data and to facilitate new market participation in the public liability market; developing supports for buyers to allow for greater support for public liability insurance buyers, and; expanding the role of the Personal Injuries Assessment Board (PIAB) to become the main personal injury settlement channel

in the State and in doing so provide a more transparent and cost-effective process for claims.

65. In December 2020, the Cabinet Sub-Committee on Insurance Reform published the Action Plan for Insurance Reform. The CCPC continues to actively engage with Government and other stakeholders to progress the implementation of the recommendations of our study and on the broader insurance reform agenda.

## **6.2. White collar crime – The Hamilton Report**

66. In 2018, a commitment was made by Government to review Ireland’s anti-corruption and anti-fraud structures and procedures in criminal law enforcement. Pat Kenny, Member of the CCPC Commission and Eksteen Maritz, Director of Criminal Enforcement, participated in the review group. The report “Review of structures and strategies to prevent, investigate and penalise economic crime and corruption” was published in December 2020.

67. The report made a number of structural, legislative and resourcing recommendations to enhance the capacity of agencies, including the CCPC, to tackle white collar crime. The CCPC particularly welcomed the recommended recognition of bid-rigging as a distinct form of hard-core cartel behaviour. The support for the introduction of a bid-rigging screening system for public procurement data in the Hamilton Report is also important for the detection and deterrence of bid-rigging in public procurement processes and across the economy generally. The CCPC has worked with our parent Department, DETE, to provide for a specific offence of bid-rigging and for additional surveillance powers in the forthcoming Competition (Amendment) Bill.

68. The review group also recommended the extension of surveillance powers to the CCPC and changes to the custody regulations to assist in the investigation of economic crime such as cartel activity. If implemented, these recommendations will provide important tools to enable the CCPC to counteract the secretive and covert nature of such criminal behaviour.

## **6.3. Legal Services Regulatory Authority (LSRA) report into the education and training of legal practitioners**

69. In 2020, the Legal Services Regulatory Authority published a report to the Minister for Justice recommending reforms to the education and training of legal practitioners in Ireland. In 2006, the Competition Authority made a number of recommendations to address competition issues in the legal sector. These included recommending that the education and training of legal practitioners would be regulated independently of the professions, with transparent standards set which would be met by all providers of legal education. The CCPC has stated that regulatory action in the area of the education and training of legal practitioners is required to enhance the opportunities for consumer choice and competition between legal practitioners – and to correct the failure to provide for more specialist training to meet market demand. Furthermore, the education and training system should be designed to support legal practitioners to be competitive in an evolving marketplace for legal services. The LSRA’s report and recommendations to the Minister for Justice, were aligned with many of the CCPC and Competition Authority’s views.