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**DIRECTORATE FOR FINANCIAL AND ENTERPRISE AFFAIRS  
COMPETITION COMMITTEE**

## **Working Party No. 2 on Competition and Regulation**

### **Assessing the Impact of Competition Authorities' Activities – Note by Ireland**

16 June 2025

This document reproduces a written contribution from Ireland submitted for Item 4 of the 79th meeting of Working Party 2 on 16 June 2025.

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## Ireland

### 1. OECD Call for Contribution

1. This contribution has been prepared by the Irish Competition and Consumer Protection Commission (the CCPC) for discussion at the OECD Working Party No. 2 on Competition and Regulation meeting on 16<sup>th</sup> June 2025. The CCPC's answers to the questions in the Chairwoman's letter of 18<sup>th</sup> February 2025 are provided below adhering to the OECD suggestion to prepare our contribution as an integrated essay rather than a list of answers to the questions.

### 2. The Activities of the CCPC

2. The CCPC is the main body responsible for promoting compliance with and enforcing Irish and EU competition and consumer protection laws across various sectors in Ireland. The CCPC also does research, market studies, and provides information and assistance to consumers on their rights. In performing its statutory functions, the CCPC carries out the following intervention activities:<sup>1</sup>

3. **Competition Enforcement:** the CCPC enforces and ensures compliance with Irish and European competition law in Ireland. The CCPC investigates potential breaches of competition law and can take civil or criminal enforcement action where it finds evidence to deter and sanction such behaviour. The CCPC also investigates notified mergers and blocks or remedies mergers that are likely to result in a substantial lessening of competition.

4. **Consumer Protection:** the CCPC applies a variety of enforcement tools to enforce and ensure compliance with a wide range of consumer protection legislation in order to deter unfair and illegal practices by traders. The CCPC also engages with consumers through its contacts helpline and website to provide them with useful information and assist with resolving their consumer right concerns. The CCPC through the Money Hub on its website and educational activities provides useful information to consumers as required by legislation to assist consumers to enhance their personal financial decision-making process. This space allows consumers to compare interest rates for various products of financial institutions which is expected to enhance their understanding of the various products and assist them in making better decisions. The CCPC also performs the functions of ECC Ireland which is part of the ECC-Network with the remit of providing advice about consumer rights when buying goods and services in the EU and affiliated countries. Additionally, the CCPC works with relevant state bodies and European colleagues to ensure compliance with product safety standards as required under the EU General Product Safety Regulation and other relevant regulations.<sup>2</sup>

5. **Providing Information and Advice to achieve change:** the CCPC provides information, advice and recommendations to government to influence public debates and

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<sup>1</sup> This is not an exhaustive list of the CCPC activities. For more details of the CCPC activities, see What We Do <https://www.cpc.ie/business/about/about-us/>.

<sup>2</sup> Regulation (EU) 2023/988 of the European Parliament and of the Council of 10 May 2023 on general product safety, also known as General Product Safety Regulation (GPSR), became applicable on 13 December 2024 and replaces the General Product Safety Directive.

policy developments in order to achieve changes that make markets work better for consumers and businesses based on market studies, research and advocacy.

### 3. The CCPC Rationale and Benefits for doing Impact Assessment

6. There is currently no legal requirement for the CCPC to evaluate the direct financial benefits to consumers of its interventions. The CCPC’s mission is to effectively use its limited resources to make markets work better for consumers and businesses in Ireland. To achieve this, the CCPC has published a set of prioritisation principles, one of which is to consider the potential impact of its own action on the issue or behaviour in question.<sup>3</sup>

7. The CCPC has committed as part of its Strategy Statement 2024 to 2026 to regularly measure the impact of its work. The strategy statement acknowledges that the CCPC will direct its resources to activities that have significant impact on consumers. In the strategy statement, the CCPC has, amongst other measures, identified assessing the impact of the CCPC enforcement work as one of its performance indicators (page 9). The CCPC also noted as follows: “*We have also published an Impact Assessment Report 2017-2020 in relation to our competition enforcement and merger control work, and will continue to build on this type of reporting over the Strategy period*” (page 13). The strategy statement further states that it will “*Review potential to include market studies and research when assessing the impact of our work*” (Page 13).<sup>4</sup>

8. Assessing the impact of the activities of the CCPC by quantifying the direct financial benefits to consumers resulting from the various interventions by the CCPC provides evidence of the significant contribution that the CCPC makes to improving consumer welfare in Ireland. The results of the impact assessment could be used to: (i) raise awareness of the value for money of the activities of the CCPC; (ii) engage with key stakeholders and advocate for change and inform policy in a manner that makes markets work better; and, (iii) support the case for better resource funding for the CCPC to ensure effective and sustained service delivery by the CCPC.

### 4. The CCPC’s Approach to Impact Assessment and Assumptions

9. The CCPC, as per its strategy statement, aims to regularly estimate the direct financial benefits to consumers in Ireland resulting from its interventions. The CCPC recognises that it will not be possible to quantify the direct financial benefits to consumers of all its interventions. Therefore, interventions for purposes of doing impact assessment comprise measurable concrete actions taken by the CCPC to prevent or change behaviour in order to make markets work better for consumers and businesses in Ireland. These interventions occur through enforcing and ensuring compliance with competition and consumer protection laws (including product safety legislation), making implementable recommendations from market studies and research, advocating for change, and providing information and assistance to consumers to enable them to make informed decisions and address information asymmetries and market failures.

10. The interventions of the CCPC also provide significant non-financial benefits such as preventing or reducing consumer detriments. These include physical harm, stress and

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<sup>3</sup> CCPC, Prioritisation principles <https://www.ccpc.ie/business/about/decide-take-action>

<sup>4</sup> CCPC Strategy Statement 2024 - 2026 <https://www.ccpc.ie/business/wp-content/uploads/sites/3/2023/11/2024.11.13-100707-CCPC-Strategy-Statement-FINAL-WEB.pdf>

loss of confidence in products and brands that could result from illegal and unfair practices by traders. In 2024, the CCPC published its study to understand consumer detriment in Ireland.<sup>5</sup> In doing impact assessment the CCPC only seeks to estimate the direct financial benefits to consumers of its intervention activities wheresoever methodology and data permit.

11. The CCPC has completed an impact assessment for the period 2017 to 2020<sup>6</sup> following the OECD 2014<sup>7</sup> published guidance and guidance of the United Kingdom's Competition and Market Authority (UK CMA) (OFT 2010).<sup>8</sup> This was an ex-ante analysis which quantified the direct financial benefits to consumers based on the CCPC civil competition enforcement and merger assessment interventions. The study estimated the direct benefits to consumers and the costs to the CCPC relating to these interventions. The study used the national consumer price index for inflation adjustments and discounted future consumer savings by 4% based on the Irish Public Spending Code discount rate at the time. This enabled the CCPC to estimate benefit to cost ratios. The impact assessment report was published on the CCPC website, discussed with the Department of Enterprise, Trade and Employment, and presented to a European Commission Network Working Group.

12. In relation to whether there should be a common adjustment, the CCPC recognises that it will be a challenge for competition authorities to adopt a uniform discount rate where each country has their own rate to do cost benefit analysis involving public projects taking their own economic realities into account.

13. Given the ex-ante nature of this type of impact assessment, in the current evaluation, the CCPC intends to follow the assumptions applied in its 2017-2020 impact assessment report for estimating the benefits of the competition enforcement interventions. In relation to the other interventions, assumptions will be made based on relevant approaches which have been applied by other national agencies involved in estimating the benefits to consumers of similar activities. The CCPC will also seek to apply assumptions which are specific to the type of intervention, reasonable, and appropriate and will likely result in conservative estimates of direct financial benefits to consumers.

## 5. Potential for Expanding the OECD Guidance

14. The activities of competition authorities aimed at protecting and enhancing consumer welfare are expanding in response to political, economic, social, technological, legal and environmental imperatives. Given the wide scope of the activities of the CCPC which are aimed at protecting and enhancing the welfare of consumers, the CCPC will submit that it is essential for the OECD guidance on impact assessment to expand beyond competition enforcement. For example, the market studies, research and advocacy done by the CCPC seek to highlight and address both competition law and consumer protection law

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<sup>5</sup> See <https://www.ccpc.ie/business/wp-content/uploads/sites/3/2024/02/CCPC-Understanding-Consumer-Detriment-in-Ireland.pdf>

<sup>6</sup> CCPC, 2022, <https://www.ccpc.ie/business/wp-content/uploads/sites/3/2022/06/2022.06.02-CCPC-Competition-Impact-Assessment.pdf>

<sup>7</sup> OECD, 2014, Guide for helping competition authorities assess the expected impact of their activities.

<sup>8</sup> OFT, 2010, [A guide to OFT's impact estimation methods](#), [ARCHIVED CONTENT]

issues.<sup>9</sup> The CCPC submits that implemented recommendations of market studies and research could lead to wider changes in the economy by, for example, removing barriers to entry in a sector; leading to wider change in consumers' and traders' behaviour that could address information asymmetry and market failure issues; and contribute to making markets work better. The CCPC also submits that strong advocacy work by competition authorities also leads to benefits to consumers which are not usually estimated. Expanding the guidance to include methodologies to estimate the direct financial benefits to consumers of such activities should be considered.

15. In relation to consumer protection including providing information and assistance to consumers, the CCPC has not yet assessed the direct financial benefits to consumers of its interventions in this area. The CCPC notes that the UK OFT and Trading Standard Services had developed methodologies to measure the direct financial benefit of interventions against unfair trade practices and the provision of information and advice to consumers.<sup>10</sup> In the current evaluation, the CCPC is exploring whether those methodologies and any other reasonable and appropriate methodologies could be used to estimate the direct financial benefits to consumers for similar activities carried out by the CCPC.

The CCPC interventions either through compliance or enforcement or both are expected to lead to change in behaviour by the infringing trader(s) and other traders in the market due to effective communication of the outcomes. The CCPC submits that expanding the OECD guidance to include methods for estimating deterrent effects will be helpful especially where non-fine remedial actions are used to stop infringing conduct and change behaviour.

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<sup>9</sup> See list of market studies and research by the CCPC [https://www.ccpc.ie/business/research/market\\_studies](https://www.ccpc.ie/business/research/market_studies)

<sup>10</sup> The OFT and TSS, 2009, Details of how the OFT and Trading Standards Services are working together to benefit consumers and businesses [https://webarchive.nationalarchives.gov.uk/ukgwa/20100418132417/http://www.oft.gov.uk/oft\\_at\\_work/partnership\\_working/trading-standards](https://webarchive.nationalarchives.gov.uk/ukgwa/20100418132417/http://www.oft.gov.uk/oft_at_work/partnership_working/trading-standards)