



Competition and Consumer Protection Commission publishes its Annual Report for 2023

19 July 2024

The Competition and Consumer Protection Commission (**CCPC**) has published its 2023 Annual Report. While the report covers a wide range of matters within the CCPC's purview, in this briefing, we highlight the information the report provides on the CCPC's merger control and competition work.

Merger control

In 2023, the CCPC issued 66 determinations. Of these:

- 33 were issued under the Simplified Merger Notification Procedure (**SMNP**), representing 50% of all determinations issued in 2023 (as compared to 56% of all determinations in 2022).
- 2 of the merger notifications notified under the SMNP procedure were reverted to a standard Phase 1 through the issuance of a Requirement for Information (**RFI**).
- 59 were issued for proposed transactions notified during 2023. The remaining 7 were for proposed transactions notified in 2022 that were carried over to 2023. Of the nine proposed transactions carried forward from 2022, two Phase 2 Determinations and five Phase 1 Determinations were issued. The remaining two notifications were withdrawn.
- 14 investigations involved an extended Phase 1 review, meaning the CCPC issued an RFI to one or more parties involved in the merger.
- 4 determinations required commitments to secure approval

Competition

On the competition side, the CCPC:

- Issued fining guidelines on the non-criminal financial sanctions that can be imposed by the CCPC - through independent adjudication officers - on an administrative basis for breaches of Irish and EU competition law and is in the process of finalising a settlements policy.
- Published an Administrative Leniency Policy (**ALP**) for cartels and minimum resale price maintenance (**RPM**), which outlines the CCPC's policy in considering applications by undertakings for leniency for disclosing their participation in cartels and RPM.
- The CCPC also published guidance notes on:
 1. the interaction between the ALP and the Criminal Cartel Immunity Programme; and
 2. the interaction between the criminal and administrative competition law enforcement regimes.

- Received and processed 37 competition complaints across a range of sectors, which included online registration services for athletic races, Leap Card services and graduation gown hire.
- Reviewed complaints in relation to alleged cartel behaviour and other horizontal restrictive practices across a range of sectors.
- Carried out dawn raids at four premises as part of two separate cartel investigations, under District Court search warrants.
- Issued RFIs against a further three undertakings.
- Progressed its prosecution for suspected bid-rigging in school transport involving 13 public transport operators before the Central Criminal Court. A preliminary trial date for a first group of five accused is set for 27 January 2025.
- Provided a detailed submission to the Law Reform Commission's consultation on third-party litigation funding, in which it:
 - welcomed, in principle, the legalisation such funding in Ireland because of its potential to broaden access to justice for consumers and businesses and provide them with greater access to redress,
 - stated that it may also act as an additional deterrent to wrongdoing, promoting greater compliance with competition and consumer protection law, and
 - called for strong regulatory protections for consumers that foster the creation of a competitive third-party funding market.
- Conducted a high-level analysis of the grocery sector in Ireland using publicly available data, finding no indication of market failure/excessive pricing because of an abuse of dominance.

For more information, please contact [John Gaffney](#) or your usual contact in Beauchamps.