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**Competition and
Consumer Protection
Commission**



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Overview of the Grocery Goods Regulations

John Shine

Director of Regulation and Advocacy

- Historical context
- Scope of the Regulations
- Key timeframes
- Mandatory / other terms
- Compliance reporting
- CCPC role
- Enforcement
- CCPC activity to date
- Queries / Complaints

Historical context

- Competition (Amendment) Act 2006
- 2009 – public consultation re Code of Practice
- Oireachtas committees on Enterprise and Agriculture
- Govt. commitment to regulate
- Competition and Consumer Protection Act 2014 provided statutory basis for regulation
- Consultation by D/JEI on draft Regulations

Scope of the Regulations

- Any food or drink for human consumption
- Grocery Goods undertaking
 - engaged in wholesale/retail in the State
 - annual worldwide turnover >€50m
 - prescribed as a relevant grocery goods undertaking (RGGU)
- Supplier – direct supply to wholesaler / retailer
- Grocery Goods contract – sale / supply of grocery goods by a supplier to a RGGU

Key timeframes

- January 2016 – Regulations signed by Minister
- March 2016 – Guidelines published by DJEI
- **30th April 2016** – Regulations come into effect
- **30th July 2016** (no later than) – RGGUs to designate / train appropriate staff
- “as soon as practicable “ – RGGU Liaison Officers to be notified to CCPC
- **31st March 2017** – annual compliance report to be submitted to CCPC

Mandatory terms

- Contracts entered into / renewed w.e.f. 30th April 2016 must be in writing
- RGGUs
 - required to prepare forecasts, on request from suppliers
 - cannot seek payment from suppliers for advertising / display of grocery goods
 - must appoint a CCPC liaison officer
 - required to appoint / train appropriate staff to be responsible for compliance and informing other staff
- RGGUs must maintain records of specified dealings with suppliers

Compliance reporting

- RGGUs must report annually to CCPC on compliance with the Regulations -
 - first compliance report due by 31st March 2017
 - covering period from 30th April – 31st December 2016
 - Signed by company secretary / director
 - Detailed and accurate account of compliance, including breaches / alleged breaches, details of compliance staff, training provided, supplier details
 - Form and manner of reporting specified by CCPC

Other terms

- Only allowed if provided for in the contract / in specified circumstances
 - Contract variation / termination
 - 3rd party goods or services
 - payment to suppliers in excess of 30 days
 - Payment for stocking / display / listing
 - Promotions & Marketing
 - Shelf space
 - Wastage & Shrinkage

CCPC role

- responsibility, under the Competition and Consumer Protection Act 2014 (“the Act”), for enforcement of the Regulations
- inspect RGGUs to monitor compliance
- investigate any complaints received, where the CCPC considers that there are reasonable grounds to believe that an RGGU may have contravened the Regulations

Enforcement

- Where the CCPC is of the opinion that an RGGU has contravened the Regulations, the CCPC
 - may issue a Contravention Notice on the relevant RGGU
 - also has the option of initiating criminal proceedings against an RGGU for (i) failing to comply with a Contravention Notice or (ii) who is considered to have contravened the Regulations
- The Act also provides for the right of private action, in the Circuit Court, for any aggrieved party, in cases where an RGGU is not in compliance with the Regulations or Contravention Notice issued by CCPC

Enforcement

- CCPC is also required to maintain, and may publish, a Grocery Goods Undertakings List with details of Contravention Notices in effect and / or Court Convictions

CCPC activity to date

- Seminar for principal RGGUs
- Engagement with key stakeholders
- Bilaterals with RGGUs
- Awareness raising activity
- Publication of annual compliance report template / guidance
- Small number of queries – no complaints to date

Further information

- Available on www.ccpc.ie
- Competition and Consumer Protection Act 2014 - Part 6
<http://www.irishstatutebook.ie/eli/2014/act/29/enacted/en/html>
- Grocery Goods Regulations (S.I. 35 of 2016)
<http://ccpc.ie/sites/default/files/Grocery%20Regulations.pdf>
- D/JEI Guidelines <https://www.djei.ie/en/Publications/Publication-files/Guidelines-for-grocery-goods-regulations-SI-No-35-of-2016.pdf>

Queries / Complaints

- Queries relating to the Regulations can be emailed to grocery@ccpc.ie
- Any complaints alleging non-compliance by RGGUs with the provisions of the Regulations should be sent
 - via post to : Regulation Unit, Competition and Consumer Protection Commission, PO Box 12585, Dublin 1, or
 - by email to grocery@ccpc.ie



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Thank You