



Number 4 of 2006

COMPETITION (AMENDMENT) ACT 2006

ARRANGEMENT OF SECTIONS

Section

1. Amendment of Competition Act 2002 by inserting new Part 2A.
2. Amendment of section 30 of Competition Act 2002.
3. Amendment of section 45 of Competition Act 2002.
4. Revocation of Groceries Order.
5. Repeals.
6. Short title, collective citation and commencement.

SCHEDULE

ENACTMENTS REPEALED

[No. 4.] *Competition (Amendment) Act 2006.* [2006.]

ACTS REFERRED TO

Competition Act 2002	2002, No. 14
Interpretation Act 2005	2005, No. 23
Restrictive Practices Act 1972	1972, No. 11
Restrictive Practices (Confirmation of Order) Act 1975	1975, No. 15
Restrictive Practices (Confirmation of Order) Act 1978	1978, No. 11
Restrictive Practices (Confirmation of Order) Act 1979	1979, No. 14
Restrictive Practices (Confirmation of Order) Act 1980	1980, No. 19
Restrictive Practices (Confirmation of Order) Act 1981	1981, No. 4
Restrictive Practices (Confirmation of Order) Act 1987	1987, No. 23
Restrictive Practices (Confirmation of Orders) Act 1974	1974, No. 4
Restrictive Practices (Confirmation of Order) (No. 2) Act 1978	1978, No. 12
Restrictive Practices (Confirmation of Order) (No. 2) Act 1980	1980, No. 38
Restrictive Practices (Confirmation of Order) (No. 2) Act 1981	1981, No. 7
Restrictive Practices (Confirmation of Order) (No. 3) Act 1978	1978, No. 31
Restrictive Trade Practices (Confirmation of Order) Act 1956	1956, No. 15
Restrictive Trade Practices (Confirmation of Order) Act 1960	1960, No. 20
Restrictive Trade Practices (Confirmation of Order) Act 1963	1963, No. 6
Restrictive Trade Practices (Confirmation of Order) Act 1966	1966, No. 11
Restrictive Trade Practices (Confirmation of Order) Act 1969	1969, No. 28
Restrictive Trade Practices (Confirmation of Order) Act 1972	1972, No. 18
Restrictive Trade Practices (Confirmation of Orders) Act 1958	1958, No. 31
Restrictive Trade Practices (Confirmation of Orders) Act 1962	1962, No. 16
Restrictive Trade Practices (Confirmation of Orders) Act 1972	1972, No. 8
Restrictive Trade Practices (Confirmation of Order) (No. 2) Act 1956	1956, No. 16
Restrictive Trade Practices (Confirmation of Order) (No. 2) Act 1962	1962, No. 30
Restrictive Trade Practices (Confirmation of Order) (No. 3) Act 1956	1956, No. 33



Number 4 of 2006

COMPETITION (AMENDMENT) ACT 2006

AN ACT TO AMEND THE COMPETITION ACT 2002 BY PROVIDING, IN THE INTERESTS OF THE COMMON GOOD, FOR THE PROHIBITION OF ACTIVITIES WHICH PREVENT, RESTRICT OR DISTORT COMPETITION IN TRADE IN GROCERY GOODS IN THE STATE, TO REVOKE THE RESTRICTIVE PRACTICES (GROCERIES) ORDER 1987 AND TO REPEAL THE RESTRICTIVE PRACTICES (CONFIRMATION OF ORDER) ACT 1987 AND OTHER RELATED AND SPENT ACTS.

[11th March, 2006]

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

1.—The Competition Act 2002 is amended by inserting the following Part after Part 2:

Amendment of Competition Act 2002 by inserting new Part 2A.

“PART 2A

COMPETITION IN GROCERY GOODS TRADE

Definitions and operation of this Part.

15A.—(1) In this Part—

‘allowance’ includes any discount, rebate, price concession or other advantage that is collateral to a sale or purchase of grocery goods but is not applied directly to the selling or purchase price;

‘grocery goods’ means any food or drink for human consumption that is intended to be sold as groceries, and includes—

- (a) any substance or thing sold or represented for use as food or drink for human consumption,
- (b) any substance or thing sold or represented for use as an additive, ingredient or processing aid in the preparation or production of food or drink for human consumption, and
- (c) intoxicating liquors;

‘grocery goods undertaking’ means, subject to subsections (2) and (3), an undertaking that is engaged for gain in the production, supply or distribution of grocery goods, whether or not the undertaking is engaged in the direct sale of those goods to the public;

‘retailer’ means a grocery goods undertaking that sells or resells grocery goods directly to the public.

(2) For the purposes of this Part, an undertaking that produces, supplies or distributes an additive, ingredient or processing aid referred to in paragraph (b) of the definition of ‘grocery goods’ in subsection (1) is not a grocery goods undertaking unless the additive, ingredient or processing aid is intended to be sold by a retailer as an additive, ingredient or processing aid.

(3) Subsection (2) applies only to the extent that the undertaking does not otherwise fall within the definition of ‘grocery goods undertaking’ in subsection (1).

(4) For the avoidance of doubt, this Part does not apply to that part of an undertaking’s operation the business of which is to do any of the following:

- (a) serve or supply food or drink in the course of providing catering, restaurant or take-away services or any similar hospitality services;
- (b) serve or supply intoxicating liquor for consumption on the premises.

(5) This Part operates without prejudice to Part 2.

Anti-competitive conduct in grocery goods trading.

15B.—(1) Subject to subsection (5), a grocery goods undertaking shall not directly or indirectly attempt to compel or coerce another grocery goods undertaking, whether by threat, promise or any like means, to resell or advertise for resale any grocery goods at—

- (a) a price fixed directly or indirectly by the first mentioned grocery goods undertaking, or
- (b) a price above a minimum price fixed directly or indirectly by the first mentioned grocery goods undertaking.

(2) Subject to subsection (5), a grocery goods undertaking shall not apply dissimilar conditions to equivalent transactions with any other grocery goods undertaking.

(3) Subject to subsection (5), a grocery goods undertaking shall not directly or indirectly compel or coerce, whether by threat, promise or any like