



LOCAL SHOPS - LOCAL COMMUNITIES

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06 MAR 2009

Competition Authority

Received

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The Competition Authority  
Parnell House  
14 Parnell Square  
Dublin 1

6 March 2009

**RE: Call for Submissions - Competition and Retail Related Imports/Distribution Sector**

Dear Sirs,

We refer to the call for submissions by the Competition Authority published on 26 February 2009.

We note that the Competition Authority has been instructed to carry out a study of the retail related imports/distribution sector and report to the Tanaiste and Minister for Enterprise Trade and Employment by 30 April next.

In the first instance we would like to point out that the time allocated for the making of submissions, ie one week, is wholly inadequate and leaves associations like RGDATA and the members that it represents little opportunity to make a proper and meaningful submission.

We would like to make the following observations and comments:

1. RGDATA, as the representative association for independent family owned grocery shops, is concerned that any study carried out in relation to these important issues is well researched and based on factual evidence. What is required is a competitive dynamic that promotes competition, diversity of shops, choice, value and quality for consumers and a level playing field for all players, big and small, global and local.
2. We note that the study relates to the retail sector generally and is not specifically confined to the retail grocery sector. We trust that this will be reflected in the authority's study and ultimate report.
3. At a time when public resources are scarce and severe expenditure cutbacks are being implemented there should be no necessity for another study in relation to an aspect of the grocery sector given that the Competition Authority spent three years investigating the sector before producing the Grocery Monitor Reports in 2008. At the time that project was being carried out, RGDATA specifically advised the Authority that unless the study dealt with the issues in relation to the supply and distribution of goods, any assessment of competition within the sector would be insufficient and likely to be of little value in terms of policy and

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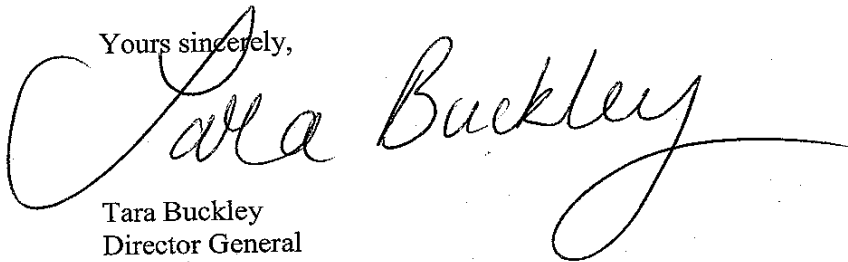
Directors: C. Fee, J. Foy, E. Gavin, J. Marshall, R. Nolan, S. Quish, R. Ryan, A. Timothy, T. Buckley (Director General) – Registration No: 0051576S

legislative decisions. We regret to have to say that this prediction has proved to be true and the Competition Authority now finds itself, notwithstanding the considerable resources spent on the Grocery Monitor Project, both by the Authority and the parties it engaged with, having to conduct a new study with the additional expense that this entails.

4. RGDATA also believes that many of the issues that must be addressed in the course of this study are ones that the Competition Authority does not have jurisdiction or competence to address. It is the contention of RGDATA and its members that many of the decisions relating to the distribution and supply of grocery (and non-grocery) goods to the market in Ireland are determined by companies and undertakings that are operating in other European countries. This is certainly the case with most well known branded grocery goods which are owned and controlled by major international companies. In this context RGDATA believes that the European Commission is the appropriate body to carry out such a study and not the domestic Competition Authority. The European Commission has the powers and the ability to carry out an investigation across the EU and to access such materials, documents and witnesses as may be required for the purposes of determining issues relating to new competition practises.
5. We also note that the study is calling on the Authority to look at the impact on competition within the sector of direct importation from sourced countries rather than indirectly through the UK. It is also important to note that the UK is a source country for a lot of imports into the retail grocery trade.

If the Competition Authority has specific questions it would like addressed by RGDATA in relation to this study we will endeavour to be of as much assistance as possible.

Yours sincerely,

A handwritten signature in cursive script that reads "Tara Buckley". The signature is written in black ink and is positioned to the right of the typed name and title.

Tara Buckley  
Director General