



**Issue:** Alleged predation by Ryanair in relation to transport on the Cork – Dublin route.

**Relevant provision:** Section 5, Competition Act 2002 and Article 82, EC Treaty

**Outcome of investigation:** Case closed in July 2009 because the Competition Authority was not convinced that Ryanair was dominant in the relevant market.

### **Outline of case**

This case concerned alleged predation by Ryanair on the Cork – Dublin route. Predatory conduct is where a dominant undertaking deliberately incurs losses or foregoes profits in the short term in order to eliminate or exclude actual or potential competitors with a view to strengthening or maintaining its market power, thereby causing consumer harm. Given the potential for harm to consumers, the Competition Authority launched a formal investigation into this issue in 2008.

For Ryanair's conduct to have been in breach of section 5 of the Competition Act 2002, Ryanair must have had a dominant position in the relevant market. Following an assessment of the transport options on the Cork – Dublin route, the Competition Authority was not convinced that Ryanair was dominant in the market that was relevant to this particular investigation for the specific time period that was examined. Having come to this view, it was not necessary to determine if Ryanair's conduct could be considered a predatory abuse of a dominant position.

Therefore, the Competition Authority decided to close this investigation.