

# SEANAD ÉIREANN

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## AN BILLE IOMAÍOCHTA (LEASÚ) 2005 — AN COISTE COMPETITION (AMENDMENT) BILL 2005 — COMMITTEE

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### *Leasuithe Amendments*

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#### SECTION 1

1. In page 3, to delete lines 25 to 27 and substitute the following:

““grocery goods” means any household necessities or food or drink for human consumption that is intended to be sold as groceries, and includes—”.

—*Senator Paul Coghlan.*

2. In page 4, between lines 7 and 8, to insert the following:

““household necessities” means any products normally sold in a grocery retailer and which are used for household upkeep or maintenance or for personal hygiene by members of a household;”.

—*Senator Paul Coghlan.*

3. In page 5, line 5, after “the” to insert “provision of space or”.

—*Senator Paul Coghlan.*

4. In page 5, between lines 27 and 28, to insert the following:

“(5) Subject to subsection (6) a retailer, as defined in this Part, shall not

- (a) engage in predatory pricing for the purpose and intent of eliminating or reducing competition in the provision of trade in any grocery good in the State or any part of the State;
- (b) directly or indirectly impose unfair selling prices; or
- (c) impose any quota in respect of goods offered for sale at any retail outlet owned or operated by that retailer.

For the purposes of this subsection, “predatory pricing” or “unfair selling prices” constitutes the sale by a grocery good undertaking at a retail price and in a manner that is likely to have the effect of eliminating or reducing competition from a particular competitor in the State or any part of the State, but does not include grocery goods that have been offered for sale in good faith for a substantial period of time.”.

—*Senator Paul Coghlan.*

5. In page 5, line 29, to delete “has” and substitute “is likely to have”.

—*Senator Paul Coghlan.*

SECTION 1—*continued*

6. In page 5, between lines 32 and 33, to insert the following:

“(6) An undertaking that engages in an activity that is prohibited by this section shall be guilty of an offence in the same manner and with the same affect as if the undertaking had committed an offence under section 4 or section 5 of the Competition Act 2002.”.

—*Senator Paul Coghlan.*

7. In page 5, line 49, after “the” to insert “District Court or in the”.

—*Senator Paul Coghlan.*

SECTION 2

8. In page 6, before section 2, to insert the following new section:

“2.—Section 6(1) of Competition Act 2002 is amended by substituting ‘prohibited under section 4(1), section 15B or Article 81 of the Treaty shall be guilty of an offence.’.”.

—*Senator Paul Coghlan.*