

Dé Céadaoin, 16 Samhain, 2005
Wednesday, 16th November, 2005

10.30 a.m.

ORD GNÓ
ORDER OF BUSINESS

- 10a.** Tairiscint *maidir le* Róta na nAirí i gcomhair Ceisteanna Parlaiminteacha.
Motion *re* Ministerial Rota for Parliamentary Questions.
- 18.** Ráitis maidir le Tithíocht.
Statements on Housing.

GNÓ COMHALTAÍ PRÍOBHÁIDEACHA
PRIVATE MEMBERS' BUSINESS

- 43.** Tairiscint *maidir leis* an Acht Iomaíochta 2002 a Athchóiriú (*atógáil*).
Motion *re* Reform of the Competition Act 2002 (*resumed*).

I dTOSACH GNÓ PHOIBLÍ
AT THE COMMENCEMENT OF PUBLIC BUSINESS

Fógraí Tairisceana : Notices of Motions

10a. “D’ainneoin aon ní i Rún an 6 Meitheamh, 2002, ón Dáil inar leagadh amach an róta ar dá réir a chuirfear Ceisteanna chun comhaltaí den Rialtas, go ndéanfar Ceisteanna le haghaidh freagra ó bhéal, a leanfaidh iad sin is neasa a bheidh curtha síos don Aire Sláinte agus Leanaí, a chur síos d’Airí san ord sealadach seo a leanas:

An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí

An tAire Iompair

That, notwithstanding anything in the Resolution of the Dáil of 6th June, 2002, setting out the rota in which Questions to members of the Government are to be asked, Questions for oral answer, following those next set down to the Minister for Health and Children, shall be set down to Ministers in the following temporary sequence:

Minister for Justice, Equality and Law Reform

Minister for Transport

agus air sin leanfar den ord a bunaíodh le Rún an 6 Meitheamh, 2002, le Ceisteanna chun an Aire Comhshaoil, Oidhreacht agus Rialtais Áitiúil.

where upon the sequence established by the Resolution of 6th June, 2002, shall continue with Questions to the Minister for the Environment, Heritage and Local Government.”

— *Tomás Ó Ceit, Aire Stáit ag Roinn an Taoisigh.*

ORDUITHE AN LAE
ORDERS OF THE DAY

18. Ráitis maidir le Tithíocht.
Statements on Housing.

GNÓ COMHALTAÍ PRÍOBHÁIDEACHA
PRIVATE MEMBERS’ BUSINESS

Tairiscint (atógáil) (1 ur. 30 n fágtha):

Motion (resumed) (1 hr. 30 m remaining):

43. “That Dáil Éireann:

notes,

- the continued presence of excessive charging resulting in higher prices and reduced spending power for consumers;
- that since 1996 the Competition Authority has not secured one significant or meaningful criminal conviction for breach of the Competition Acts; and
- the insufficient resources allocated to the Competition Authority to do its work;

calls for reform of the Competition Act 2002 to allow for:

- the creation of a category of ‘Super Complaints’ that can be made by bodies including the Director of Consumer Affairs, the Consumer Association of Ireland, IFSRA, the Financial Services Ombudsman and the Insurance Ombudsman;
- the publication by the Competition Authority of an annual report on the implications of State action for competition in the provision of goods and services which identifies areas where the State, either through direct involvement in the

economy, or through regulatory systems, has restricted, inhibited or prevented competition;

- the referral of Directors of companies found to be in breach of competition law to the ODCE for possible disqualification;
- the setting of a 30 day deadline by which time the Competition Authority should have responded to a complaint of anti-competitive practices;
- the outlawing of predatory pricing; and

calls on the Minister for Enterprise, Trade and Employment to significantly increase the resources of the Competition Authority.” — *Phil Hogan, Enda Kenny, Richard Bruton, Bernard Allen, Pat Breen, Paul Connaughton, Simon Coveney, Seymour Crawford, John Deasy, Jimmy Deenihan, Bernard J. Durkan, Damien English, Olwyn Enright, Tom Hayes, Phil Hogan, Paul Kehoe, Padraic McCormack, Shane McEntee, Dinny McGinley, Paul McGrath, Gay Mitchell, Olivia Mitchell, Gerard Murphy, Denis Naughten, Dan Neville, Michael Noonan, Fergus O’Dowd, Jim O’Keeffe, John Perry, Michael Ring, David Stanton, Billy Timmins, Liam Twomey.*

[15 November, 2005]

Leasú (atógáil):

Amendment (resumed):

1. To delete all words after “Dáil Éireann” and substitute the following:

“notes:

- the importance to a successful fast growing economy of the effective and independent enforcement of competition law so as to prevent the emergence of anti-competitive practices, restrictions on the freedom to trade and barriers to entry in all sectors of the economy;
- that the enactment of the Competition Act 2002 substantially increased the powers and independence of the Competition Authority and provided Ireland with one of the most modern bodies of competition law in the world;
- that the Competition Act 2002 provides the Garda Síochána with powers of arrest and detention in respect of competition offences, as well as making provision for financial penalties of up to €4m, or 10% of turnover, for breaches of competition law;
- the doubling of the resources available to the Competition Authority in the past five years and the continuing on-going review in conjunction with the Authority of the resource demands arising out of the increased level of activity in the economy;
- the highly complex and resource intensive nature of criminal proceedings for breaches of competition law;
- the determination of the Authority to seek criminal convictions for competition offences where they believe such is justified but also their track record in securing voluntary compliance with the provisions of competition law;
- the existence, as a result of powers available to the Authority under the Competition Act 2002, of co-operation agreements with other statutory sectoral regulators with a view to guaranteeing effective competition in those sectors of the economy;
- the entitlement of any individual or organisation who becomes aware of anti-competitive practices in the economy to bring complaints in regard to such activities to the attention of the Authority;
- the restrictions that would be imposed on the Authority as a result of the creation of statutory deadlines for the investigation of such complaints;

- the powers and functions of the Authority under the Competition Act 2002 to study and analyse competitive practices, to investigate any breaches of the Act and any complaints in regard to such breaches, to advise Ministers and the Government of the implications of any new legislation for competition in goods and services, to publish guidance on compliance with the Act, to carry on such activities as it considers appropriate to inform the public of issues concerning competition, and to disclose to the Garda Síochána any information relating to the commission of an offence whether under the Act or otherwise; and
- that the practice of predatory pricing is prohibited under section 5 of the Competition Act 2002 and that the substantial penalties provided for under the Act operate as a very convincing deterrent against engaging in such activity;

calls for:

- the re-affirmation of confidence in the independence, determination and resources of the Authority to rigorously enforce competition law;
- the rejection of proposals to introduce any measures which might inhibit the powers and functions of the Authority in that regard; and

urges all individuals and organisations to report instances of suspected anti-competitive practices and breaches of the Competition Act 2002 to the Authority with a view to ensuring their speedy investigation.” — *An tAire Fiontar, Trádála agus Fostaíochta.*

MEMORANDA

Dé Céadaoin, 16 Samhain, 2005
Wednesday, 16th November, 2005

Cruinniú den Chomhchoiste um Fhiontraíocht agus Mionghnóthaí i Seomra Coiste 3, TL2000, ar 9.30 a.m.

Meeting of the Joint Committee on Enterprise and Small Business in Committee Room 3, LH2000, at 9.30 a.m.

Cruinniú den Chomhchoiste um Dhlí agus Ceart, Comhionannas, Cosaint agus Cearta na mBan i Seomra Coiste 1, TL2000, ar 9.30 a.m.

Meeting of the Joint Committee on Justice, Equality, Defence and Women’s Rights in Committee Room 1, LH2000, at 9.30 a.m.

Cruinniú den Chomhchoiste um Chumarsáid, Muir agus Acmhainní Nádúrtha i Seomra Coiste 4, TL2000, ar 10 a.m.

Meeting of the Joint Committee on Communications, Marine and Natural Resources in Committee Room 4, LH2000, at 10 a.m.

Cruinniú d’Fhochoistí na Dála agus an tSeanaid um Sheirbhísí do Chomhaltaí i Seomra Coiste 3, TL2000, ar 12 meán lae (*príobháideach*).

Meeting of the Dáil and Seanad Sub-Committees on Members’ Services in Committee Room 3, LH2000, at 12 noon (*private*).

Cruinniú den Chomhchoiste um Ghnóthaí Eorpacha i Seomra Coiste 2, TL2000, ar 2.30 p.m.

Meeting of the Joint Committee on European Affairs in Committee Room 2, LH2000, at 2.30 p.m.

Cruinniú den Chomhchoiste um Iompar i Seomra Coiste 1, TL2000, ar 2.30 p.m.
Meeting of the Joint Committee on Transport in Committee Room 1, LH2000, at 2.30 p.m.

Cruinniú den Chomhchoiste um Thalmhaíocht agus Bia i Seomra Coiste 3, TL2000,
ar 3 p.m.

Meeting of the Joint Committee on Agriculture and Food in Committee Room 3, LH2000,
at 3 p.m.

SCRÍBHINNÍ A LEAGADH FAOI BHRÁID NA DÁLA DOCUMENTS LAID BEFORE THE DÁIL

Reachtúil:

1) Togra le haghaidh Cinnidh ón gComhairle maidir le nós imeachta faisnéise frith-pháirteach a bhunú a bhaineann le bearta Ballstát i réimsí an tearmainn agus na hini-mirce mar aon le nóta faisnéise míniúcháin. COM (2005) 480.

2) Togra le haghaidh Rialacháin ón gComhairle a bhaineann leis an gComhaontú Comhpháirtíochta idir an Comhphobal Eorpach agus Stáit Chónaidhme na Micrinéise a thabhairt i gcrích maidir le hiascaireacht i Stáit Chónaidhme na Micrinéise mar aon le nóta faisnéise míniúcháin. COM (2005) 502.

3) Togra le haghaidh Cinnidh ón gComhairle maidir le seasamh Comhphobail laistigh de Chomhairle Chomhlachais AE-an tSile maidir leis an déileáil le taraifí i leith fíonta, biotáillí agus deochanna dea-bholaithe atá liostaithe in Iarscríbhinn II a ghabhann leis an gComhaontú Comhlachais idir an Comhphobal Eorpach agus Poblacht na Sile a léirscaoileadh mar aon le nóta faisnéise míniúcháin. COM (2005) 464.

4) Ráitis Síntiús Bhliantúla Fhorlíontacha/Dearbhuithe Reachtúla i leith 2003 agus 2004 ón Uas. Séamus Mac Daibhéad, T.D., de bhun alt 24(1)(a) den Acht Toghcháin 1997 agus alt 24(6A) den Acht Toghcháin 1997 (arna chur isteach le halt 50(g) den Acht Toghcháin (Leasú) 2001).

5) An tOrdú um Fhaoiseamh ó Chánachas Dúbailte (Cánacha ar Ioncam agus Gnóchain Chaipitiúla) (Poblacht na Sile) 2005 (Dréacht).

6) An tOrdú um Fhaoiseamh ó Chánachas Dúbailte (Cánacha ar Ioncam) (Poblacht na Portaingéile) 2005 (Dréacht).

Statutory:

1) Proposal for a Council Decision on the establishment of a mutual information procedure concerning Member States' measures in the areas of asylum and immigration together with explanatory information note. COM (2005) 480.

2) Proposal for a Council Regulation concerning the conclusion of the Partnership Agreement between the European Community and the Federated States of Micronesia on fishing in the Federated States of Micronesia together with explanatory information note. COM (2005) 502.

3) Proposal for a Council Decision on a Community position within the EU-Chile Association Council concerning the liberalisation of the tariff treatment of wines, spirit drinks and aromatised drinks listed in Annex II of the Association Agreement between the European Community and the Republic of Chile together with explanatory information note. Com (2005) 464.

4) Supplementary Annual Donation Statements/Statutory Declarations in respect of 2003 and 2004 from Mr. Jim McDaid, T.D., pursuant to section 24(1)(a) of the Electoral Act 1997 and section 24(6A) of the Electoral Act 1997 (as inserted by section 50(g) of the Electoral (Amendment) Act 2001).

5) Double Taxation Relief (Taxes on Income and Capital Gains) (Republic of Chile) Order 2005 (Draft).

6) Double Taxation Relief (Taxes on Income) (Portuguese Republic) Order 2005 (Draft).

7) An tOrdú um Fhaoiseamh ó Chánachas Dúbailte (Cánacha ar Ioncam) (Coigeartú Brabús Fiontar Comhlachaithe) (Stáit Aontachais) 2005 (Dréacht).

8) Na Rialacháin Loingis Cheannaíochta (Scrúduithe Leighis) 2005 (I.R. Uimh. 701 de 2005).

Neamhreachtúil:

1) Rialacháin na gComhphobal Eorpach (Táirgí Cosmaideacha) (Leasú) 2005 (I.R. Uimh. 711 de 2005).

2) Na Rialacha Cúirte Dúiche (An tAcht Comhdhlúite Cánacha 1997) (Leasú) 2005 (I.R. Uimh. 703 de 2005).

3) Na Rialacha Cúirte Dúiche (Eistréatadh Cúirtbhannaí) 2005 (I.R. Uimh. 704 de 2005).

7) Double Taxation Relief (Taxes on Income) (Adjustment of Profits of Associated Enterprises) (Accession States) Order 2005 (Draft).

8) Merchant Shipping (Medical Examinations) Regulations 2005 (S.I. No. 701 of 2005).

Non-Statutory:

1) European Communities (Cosmetic Products) (Amendment) Regulations 2005 (S.I. No. 711 of 2005).

2) District Court (Taxes Consolidation Act 1997) (Amendment) Rules 2005 (S.I. No. 703 of 2005).

3) District Court (Estreatment of Recognisances) Rules 2005 (S.I. No. 704 of 2005).