



An Roinn Gnó, Fiontar agus Nuálaíochta  
Department of Business, Enterprise and Innovation

**Application for an exemption from section 4 of the  
Competition Act 2002 in accordance with section  
15F of the Competition Act 2002 (as inserted by  
section 2 of the Competition (Amendment) Act 2017)**

**Application form**

**7 September 2017**

**Application for an exemption from section 4 of the Competition Act 2002 in accordance with section 15F of the Competition Act 2002 (as inserted by section 2 of the Competition (Amendment) Act 2017)**

**Important note:**

It is important to read the associated Guidance note carefully in advance of completing the application form\*. Please complete all sections of the form as failure to do so will result in the form being returned to the applicant. Information may be supplied on separate pages where required.

*\*: Section 15E of the 2002 Act provides that section 4 of that Act shall not apply to collective bargaining and agreements in respect of a relevant category of self-employed worker: this includes a class of false self-employed worker or fully dependent self-employed worker specified in an order made by the Minister under section 15F of that Act.*

**1. TRADE UNION DETAILS**

1. Name of trade union:
  
2. Address:
  
3. Name and contact details of contact person:
  
4. Provide evidence that the Trade Union holds a current negotiation licence under the Trade Union Act, 1941 (No. 22 of 1941):

**2. DETAILS OF SELF-EMPLOYED WORKERS**

1. Please indicate whether the workers which are the subject of this application are a “false self-employed worker” or “fully dependent self-employed worker”, within the meaning of section 15D of the Competition Act 2002 (as inserted by section 2 of the Competition (Amendment) Act 2017), or whether they are a combination of “false

*self-employed worker*” and “*fully dependent self-employed worker*” (please tick only one box).

False self-employed:

Fully dependent self-employed:

Both false self-employed and fully dependent self-employed:

2. Please provide evidence to justify the above classification(s), including evidence to address the criteria set out in the definitions of “*false self-employed worker*” and “*fully dependent self-employed worker*” in section 15D of the Competition Act 2002 (as inserted by section 2 of the Competition (Amendment) Act 2017).
3. If the application covers both false self-employed and fully dependent self-employed workers, please provide separate details for false self-employed and fully dependent self-employed workers.
4. Please provide evidence that all of these workers are fully paid-up members of the applicant Trade Union on the date of this application.
5. Please provide any other relevant details or information that the applicant Trade Union believes is relevant to this section of the application.

### **3. DETAILS OF MARKET IN WHICH SELF-EMPLOYED WORKERS OPERATE**

1. Please provide a description of what the applicant Trade Union considers to be the relevant product (in terms of the goods or services offered) and geographic market or markets in which the class of false self-employed workers or fully dependent self-employed workers which are the subject of this application operate (including, for example, the industry sector or sectors involved, the nature of the products or services supplied and the geographic scope of the market, in particular whether the products or

services in question are supplied in the State, the island of Ireland, the UK, elsewhere in the EU, globally, etc.)

2. Please give a list of the businesses or companies in the markets covered in the preceding question that will be impacted by this application (broken down between those in and outside of the State) as well as what proportion of the market(s) described in the applicant's response to the preceding question are not covered by the agreement for which the exemption is sought.
3. Please provide evidence to prove that any exemption sought in the application will have no or minimal economic effect on the market in which the class of self-employed worker concerned operates (which should include detailed economic analysis to support this position).
4. Please provide any other relevant details or information that the applicant Trade Union believes is relevant to this section of the application.

#### **4. COST TO THE STATE**

1. Will the exemption (which is the subject of this application) lead to or result in significant cost to the State (please tick the relevant box)?

Yes:

No:

2. Please indicate how you arrived at this position (including detailed economic analysis to support this position).
3. Please provide any other relevant details or information that the applicant Trade Union believes is relevant to this section of the application.

**5. RELATIONSHIP WITH COMPETITION LAW**

1. Please provide evidence to prove that any exemption (which is the subject of this application) will not otherwise contravene the requirements of the Competition Act 2002 or any other enactment or rule of law (including the law in relation to the European Union) relating to the prohibition on the prevention, restriction or distortion of competition in trade in any goods or services (including legal analysis to support this position).
2. Please give evidence that the the exemption sought pursuant to the application will not breach EU competition law, in particular Article 101 of the Treaty on the Functioning of the European Union.
3. Please provide any other relevant details or information that the applicant Trade Union believes is relevant to this section of the application.

**6. DECLARATION:**

I, \_\_\_\_\_, on behalf of \_\_\_\_\_

Trade Union, declare that the information set out in the above application form (and any attachments thereto) is correct and up-to-date.

Name (in block capitals): \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Position in the trade union: \_\_\_\_\_