



STATUTORY INSTRUMENTS.

S.I. No. 204 of 2016

EUROPEAN UNION (REQUIREMENTS FOR CREDIT TRANSFERS
AND DIRECT DEBITS IN EURO) (AMENDMENT) REGULATIONS
2016

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AND DIRECT DEBITS IN EURO) (AMENDMENT) REGULATIONS
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The Minister for Finance, in exercise of the powers conferred on him by section 3 of the European Communities Act 1972 (No. 27 of 1972) and for the purpose of giving full effect to Regulation (EU) No. 260/2012 of the European Parliament and of the Council of 14 March 2012¹, hereby makes the following regulations:

Citation

1. These Regulations may be cited as the European Union (Requirements for Credit Transfers and Direct Debits in Euro) (Amendment) Regulations 2016.

Definition

2. In these Regulations, “Principal Regulations” means the European Union (Requirements for Credit Transfers and Direct Debits in Euro) Regulations 2013 (S.I. No. 132 of 2013).

Amendment of Regulation 2 of Principal Regulations

3. Regulation 2(1) of the Principal Regulations is amended—

(a) in the definition of “SEPA Regulation”, by substituting “Regulation (EC) No. 924/2009¹,” for “Regulation (EC) No. 924/2009¹.”; and

(b) by inserting the following after the definition of “SEPA Regulation”:

“ “trader” means—

(a) a person who is acting for purposes related to the person’s trade, business or profession, and

(b) a person acting on behalf of a person referred to in paragraph (a) of this definition.”.

Amendment of Regulation 4 of Principal Regulations

4. The Principal Regulations are amended by substituting the following for Regulation 4:

Competent authorities for purposes of SEPA Regulation and these Regulations

“4. (1) Subject to paragraph (2), the Bank is the competent authority in the State for the purposes of the SEPA Regulation and these Regulations.

(2) As respects each of the following cases, namely—

¹OJ L 94, 30.03.2012, p.22

*Notice of the making of this Statutory Instrument was published in
“Iris Oifigiúil” of 29th April, 2016.*

- (a) a case under Article 9(1) of the SEPA Regulation where the payee is a consumer and the payer is a trader, and
- (b) a case under Article 9(2) of that Regulation where the payer is a consumer and the payee is a trader,

the Competition and Consumer Protection Commission is the competent authority in the State—

- (i) for the purposes of the SEPA Regulation, and
- (ii) for the purposes of these Regulations,

so far as it relates (or they relate) to that Article 9(1) or (2).

(3) Save as provided for in paragraph (4), the Bank shall monitor compliance with the SEPA Regulation effectively and take all necessary measures to ensure compliance.

(4) As respects each of the cases specified in paragraph (2)(a) and (b), the Competition and Consumer Protection Commission shall monitor compliance with Article 9(1) or (2), as the case may be, of the SEPA Regulation effectively and take all necessary measures to ensure compliance.”.

Amendment of Regulation 8 of Principal Regulations

5. Regulation 8(1) of the Principal Regulations is amended by deleting “who believes that evidence of or relating to the commission or intended commission of an offence under the SEPA Regulation is to be found on land or premises”.

Amendment of Regulations 13, 19 and 20 of Principal Regulations

6. (1) Regulation 13 of the Principal Regulations is deleted.

(2) Regulation 19 of the Principal Regulations is deleted.

(3) Regulation 20 of the Principal Regulations is amended by substituting “complaint” for “compliant”.

Amendment of Central Bank Act 1942

7. Section 2(2A) of the Central Bank Act 1942 (No. 22 of 1942) is amended—

- (a) in paragraph (va) (inserted by the European Union (Consumer Mortgage Credit Agreements) Regulations 2016 (S.I. No. 142 of 2016)), by substituting “credit intermediaries²,” for “credit intermediaries², and”,
- (b) in paragraph (w) (inserted by the European Union (Single Resolution Mechanism) Regulations 2015 (S.I. No. 568 of 2015)), by substituting “Regulation, and” for “Regulation.”, and
- (c) by inserting the following after paragraph (w):

²OJ L 305, 24.10.2014, p.1

“(x) Regulation (EU) No. 260/2012 of the European Parliament and of the Council of 14 March 2012¹.”.

Amendment of section 2 of Consumer Protection Act 2007

8. Section 2(1) of the Consumer Protection Act 2007 (No. 19 of 2007) is amended, in the definition of “relevant statutory provisions” (as lastly amended by the Competition and Consumer Protection Act 2014 (No. 29 of 2014)), by substituting the following for paragraphs (f) to (k):

- “(f) the European Communities (Names and Labelling of Textile Products) Regulations 2010 (S.I. No. 485 of 2010),
- (g) the European Communities (Safety of Toys) Regulations 2011,
- (h) the European Union (Protection of Consumers in respect of Timeshare, Long-term Holiday Product, Resale and Exchange Contracts) Regulations 2011,
- (i) the European Union (Textile Fibre Names and Related Labelling and Marking of the Fibre Composition of Textile Products) Regulations 2012,
- (j) the European Union (Requirements for Credit Transfers and Direct Debits in Euro) Regulations 2013 (S.I. No. 132 of 2013),
- (k) the European Union (Consumer Information, Cancellation and Other Rights) Regulations 2013 (S.I. No. 484 of 2013), and
- (l) the European Union (Consumer Information, Cancellation and Other Rights) (Amendment) Regulations 2014 (S.I. No. 250 of 2014);”.

Amendment of section 67 of Consumer Protection Act 2007

9. Section 67 of the Consumer Protection Act 2007 is amended by inserting the following after paragraph (i) (inserted by the European Union (Online Dispute Resolution for Consumer Disputes) Regulations 2015 (S.I. No. 500 of 2015)):

“(j) any contravention of Article 9(1) of Regulation (EU) No. 260/2012 of the European Parliament and of the Council of 14 March 2012¹ where the payee is a consumer and the payer is a trader or any contravention of Article 9(2) of that Regulation where the payer is a consumer and the payee is a trader.”.



GIVEN under the Official Seal of the Minister for Finance,
26 April 2016.

MICHAEL NOONAN,
Minister for Finance.

EXPLANATORY NOTE

(This note is not part of the Instrument and does not purport to be a legal interpretation.)

This statutory instrument amends the European Union (Requirements for Credit Transfers and Direct Debits in Euro) Regulations 2013 (S.I. No. 132 of 2013).

The main purpose of these amendments is to designate the Competition and Consumer Protection Commission as a competent authority in respect of any contravention of Article 9(1) of Regulation (EU) No. 260/2012 of the European Parliament and of the Council of 14 March 2012 (the ‘SEPA Regulation’) where the payee is a consumer and the payer is a trader or any contravention of Article 9(2) of that Regulation where the payer is a consumer and the payee is a trader.

This statutory instrument also makes certain amendments so as to ensure, among other things, that infringements of the SEPA Regulation or of S.I. No. 132 of 2013 by entities which are supervised by the Central Bank may be prosecuted by the Central Bank under its Administrative Sanctions Regime in accordance with Part IIIC of the Central Bank Act 1942 as amended.

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