



STATUTORY INSTRUMENTS.

S.I. No. 597 of 2016



STATISTICS (BALANCE OF PAYMENTS SURVEY) ORDER 2016

STATISTICS (BALANCE OF PAYMENTS SURVEY) ORDER 2016

I, ENDA KENNY, Taoiseach, in exercise of the powers conferred on me by section 25(1) of the Statistics Act 1993 (No. 21 of 1993) and for the purpose of giving full effect to Council Regulation (EC) No. 2533/98 of 23 November 1998¹, as amended by Council Regulation (EC) No. 951/2009 of 9 October 2009² and Council Regulation (EU) No. 2015/373 of 5 March 2015³, Council Regulation (EC, Euratom) No. 1287/2003 of 15 July 2003⁴, Regulation (EC) No. 184/2005 of the European Parliament and of the Council of 12 January 2005⁵, as amended by Regulation (EC) No. 1137/2008 of the European Parliament and of the Council of 22 October 2008⁶, Commission Regulation (EU) No. 555/2012 of 22 June 2012⁷ (as amended by Commission Regulation (EU) No. 519/2013 of 21 February 2013⁸) and Regulation (EU) 2016/1013 of the European Parliament and of the Council of 8 June 2016⁹, and Regulation (EU) No. 549/2013 of the European Parliament and of the Council of 21 May 2013¹⁰, hereby order as follows:

1. This Order may be cited as the Statistics (Balance of Payments Survey) Order 2016.

2. (1) In this Order—

“Act of 1993” means the Statistics Act 1993 (No. 21 of 1993);

“asset”, in relation to a person, includes a financial claim of the person;

“quarter” means a period of 3 months ending on 31 March, 30 June, 30 September or 31 December in any year;

“Regulations” means Council Regulation (EC) No. 2533/98 of 23 November 1998¹, as amended by Council Regulation (EC) No. 951/2009 of 9 October 2009² and Council Regulation (EU) No. 2015/373 of 5 March 2015³, Council Regulation (EC, Euratom) No. 1287/2003 of 15 July 2003⁴, Regulation (EC) No. 184/2005 of the European Parliament and of the Council of 12 January 2005⁵, as amended by Regulation (EC) No. 1137/2008 of the European Parliament and of the Council of 22 October 2008⁶, Commission Regulation (EU) No. 555/2012

¹OJ No. L 318, 27.11.1998, p. 8

²OJ No. L 269, 14.10.2009, p. 1

³OJ No. L 64, 7.3.2015, p. 6

⁴OJ No. L 181, 19.7.2003, p. 1

⁵OJ No. L 35, 8.2.2005, p. 23

⁶OJ No. L 311, 21.11.2008, p. 1

⁷OJ No. L 166, 27.6.2012, p. 22

⁸OJ No. L, 158, 10.6.2013, p. 74

⁹OJ No. L, 171 29.6.2016, p. 144

¹⁰OJ No. L 174, 26.6.2013, p. 1

*Notice of the making of this Statutory Instrument was published in
“Iris Oifigiúil” of 13th December, 2016.*

of 22 June 2012⁷ (as amended by Commission Regulation (EU) No. 519/2013 of 21 February 2013⁸) and Regulation (EU) 2016/1013 of the European Parliament and of the Council of 8 June 2016⁹, and Regulation (EU) No. 549/2013 of the European Parliament and of the Council of 21 May 2013¹⁰;

“resident” means a person residing in the State and “non-resident” shall be construed accordingly;

“survey” means the Balance of Payments Survey that is conducted by the Central Statistics Office in order to obtain information set out in Part 2 of the Schedule, including for the purposes of compliance with the Regulations.

(2) A word or expression that is used in this Order and also used in the Regulations has the same meaning in this Order as in the Regulations, except where the context otherwise requires.

3. This Order applies to a person—

- (a) engaged in, or
- (b) acting on behalf of a person engaged in,

any transaction specified in Part 1 of the Schedule.

4. A requirement on persons referred to in Article 3—

- (a) subject to paragraph (b), to provide, for the purposes of the survey, information the general nature of which is specified in Part 2 of the Schedule, in relation to each year in the period from 2015 to 2019, and
- (b) to provide the information referred to in paragraph (a)—
 - (i) where the information relates to 2015, once only, and
 - (ii) annually, and in relation to the immediately preceding year, in the period from 2017 to 2020,

is prescribed for the purposes of section 25 of the Act of 1993.

5. (1) This Article applies on a particular date to a person referred to in Article 3 where, in the period of 24 months immediately preceding that date, either or both of the following requirements are fulfilled in respect of the person:

- (a) on any day in that period the total assets of the person exceeded €150 million;
- (b) the sale of goods or provision of services by the person in any 12 month period in that period amounted to not less than €100 million.

(2) A requirement on persons to whom this Article applies—

(a) subject to subparagraph (b), to provide, for the purposes of the survey, information the general nature of which is specified in Part 2 of the Schedule, in relation to each quarter in the period from 1 April 2015 to 31 December 2019, and

(b) to provide the information referred to in subparagraph (a)—

(i) where the information relates to a quarter in the period from 1 April 2015 to 30 September 2016, once only, and

(ii) quarterly, and in relation to the immediately preceding quarter, in the period from 1 January 2017 to 31 March 2020,

is prescribed for the purposes of section 25 of the Act of 1993.

SCHEDULE

Part 1

Article 3

Transactions to which Article 3 refers:

- (a) sale of goods or provision of services to non-residents;
- (b) receipt of goods or services from non-residents;
- (c) acquisition or disposal of a financial claim against non-residents;
- (d) incurrence or redemption of a financial liability to non-residents;
- (e) payment of income to non-residents;
- (f) receipt of income from non-residents.

Part 2

Articles 4 and 5

1. Information regarding the following, as it relates to the person concerned and specifying the quarter or year, as the case may be, to which the information relates:

- (a) where applicable, shareholdings in, or ownership of, the person;
- (b) shareholdings in, or ownership of, any other person by the person;
- (c) the value of goods sold, and services and financial instruments provided, to residents and non-residents;
- (d) the value of goods, services and financial instruments received from residents and non-residents;
- (e) the value of transactions in respect of financial claims against residents and non-residents;
- (f) the value of transactions in respect of financial liabilities to residents and non-residents;
- (g) the value of financial claims against residents and non-residents;
- (h) the value of financial liabilities to residents and non-residents;
- (i) the value of amounts received or due from residents and non-residents;
- (j) particulars relating to all assets, including the value of any assets disposed of or acquired;

- (k) the value of amounts paid or due to residents and non-residents;
- (l) the address of the registered office of the person and other locations where the business engaged in by the person is conducted from;
- (m) the business, trading or other names by which the person is known;
- (n) the description of the business engaged in by the person.

2. Information on the time taken by the person concerned to complete the questionnaire, form or other record prepared by the Director General for the collection of the information referred to in paragraph 1.



GIVEN under my Official Seal,
7 December 2016.

ENDA KENNY,
Taoiseach.

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ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR
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(Teil: 01 - 6476834 nó 1890 213434; Fax: 01 - 6476843)
nó trí aon díoltóir leabhar.

DUBLIN
PUBLISHED BY THE STATIONERY OFFICE
To be purchased from
GOVERNMENT PUBLICATIONS,
52 ST. STEPHEN'S GREEN, DUBLIN 2.
(Tel: 01 - 6476834 or 1890 213434; Fax: 01 - 6476843)
or through any bookseller.

€2.54



Wt. (B32461). 285. 12/16. Essentra. Gr 30-15.