



STATUTORY INSTRUMENTS.

S.I. No. 616 of 2016



EUROPEAN UNION (COLLECTIVE RIGHTS MANAGEMENT)
(DIRECTIVE 2014/26/EU) (AMENDMENT) REGULATIONS 2016

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(DIRECTIVE 2014/26/EU) (AMENDMENT) REGULATIONS 2016

I, MARY MITCHELL O’CONNOR, Minister for Jobs, Enterprise and Innovation, in exercise of the powers conferred on me by section 3 of the European Communities Act 1972 (No. 27 of 1972), for the purpose of giving effect to Directive 2014/26/EU of the European Parliament and of the Council of 26 February 2014 on collective management of copyright and related rights and multi-territorial licensing of rights in musical works for online use in the internal market¹, hereby make the following regulations:

1. These Regulations may be cited as the European Union (Collective Rights Management) (Directive 2014/26/EU) (Amendment) Regulations 2016.

2. Regulation 7 of the European Union (Collective Rights Management) (Directive 2014/26/EU) Regulations 2016 (S.I. No. 156 of 2016) is amended by the insertion of the following paragraph after paragraph (5):

“(6) Where, in the case of a collective management organisation with a single administrative board, the power of management of the business of the organisation stands delegated to persons who are not directors of that organisation, the reference in paragraph (1) to the persons who manage the business of the collective management organisation shall be construed, for the purposes of this Regulation, as a reference to the persons to whom the power of management of the business of the collective management organisation stands delegated.”.



GIVEN under my Official Seal,
16 December 2016.

MARY MITCHELL O’CONNOR,
Minister for Jobs, Enterprise and Innovation.

¹OJ No. L84, 20.3.2014, p. 72.

EXPLANATORY NOTE

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

These Regulations, made pursuant to the European Communities Act 1972, amend the European Union (Collective Rights management) (Directive 2014/26/EU) Regulations 2016 (S.I. No. 156 of 2016), which were enacted to transpose Directive 2014/26/EU of the European Parliament and of the Council of 26 February 2014. The Regulations make a technical amendment to the previous Regulations, which is necessary to avoid a conflict between the duties of a Director to manage a company under the Companies Act 2014 and the requirement, under the European Union (Collective Rights management) (Directive 2014/26/EU) Regulations 2016, for a Collective Rights Management organisation to establish a supervisory function which does not consist of those involved in the day-to-day management of the collective rights management organisation.

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