



STATUTORY INSTRUMENTS.

**S.I. No. 513 of 2018**



EUROPEAN UNION (UNJUSTIFIED GEO-BLOCKING OF  
CONSUMERS) REGULATIONS 2018

## EUROPEAN UNION (UNJUSTIFIED GEO-BLOCKING OF CONSUMERS) REGULATIONS 2018

I, HEATHER HUMPHREYS, Minister for Business, Enterprise and Innovation, in exercise of the powers conferred on me by section 3 of the European Communities Act 1972 (No. 27 of 1972) and for the purpose of giving effect to Regulation (EU) 2018/302 of the European Parliament and of the Council of 28 February 2018<sup>1</sup> on addressing unjustified geo-blocking and other forms of discrimination based on customers' nationality, place of residence or place of establishment within the internal market and amending Regulations (EC) No 2006/2004 and (EU) 2017/2394 and Directive 2009/22/EC, hereby make the following regulations:

*Citation and Commencement*

1. (1) These Regulations may be cited as the European Union (Unjustified Geo-blocking of Consumers) Regulations 2018.

(2) Subject to paragraph (3), these Regulations come into operation on 3 December 2018.

(3) Article 6 of the Council Regulation shall apply to provisions of agreements concluded before 2 March 2018 that are compliant with Article 101 of the Treaty on the Functioning of the European Union or with section 4 of the Competition Act 2002 (No. 14 of 2002) from 23 March 2020.

*Interpretation*

2. (1) In these Regulations—

“Act of 2007” means the Consumer Protection Act 2007 (No. 19 of 2007);

“Council Regulation” means Regulation (EU) 2018/302 of the European Parliament and of the Council of 28 February 2018<sup>1</sup> on addressing unjustified geo-blocking and other forms of discrimination based on customers' nationality, place of residence or place of establishment within the internal market and amending Regulations (EC) No 2006/2004 and (EU) 2017/2394 and Directive 2009/22/EC;

“Regulations of 2015” means the European Union (Online Dispute Resolution for Consumer Disputes) Regulations 2015 (S.I. No. 500 of 2015).

(2) A word or expression that is used in these Regulations and which is also used in the Council Regulation has, unless the context otherwise requires, the same meaning in these Regulations as it has in the Council Regulation.

<sup>1</sup>OJ No. L 60I, 2.3.2018, p. 1

*Notice of the making of this Statutory Instrument was published in “Iris Oifigiúil” of 7th December, 2018.*

*Enforcement*

3. The Competition and Consumer Protection Commission is designated for the purposes of Article 7 of the Council Regulation as regards disputes between a consumer and a trader.

*Assistance to Consumers*

4. The European Consumer Centre Ireland is designated for the purposes of Article 8 of the Council Regulation.

*Offences*

5. (1) A trader who contravenes Articles 3(1), 3(2), 4(1), or 5(1) of the Council Regulation in respect of a consumer commits an offence.

(2) A trader who commits an offence under paragraph (1) shall be liable on summary conviction to a class A fine or to imprisonment for a term not exceeding 12 months, or to both.

(3) Sections 77, 78, 80 and 84 of the Act of 2007 shall apply to an offence under these Regulations as they apply to an offence under that Act and, accordingly, references in those sections to an offence under that Act shall be construed as including references to an offence under these Regulations.

*Amendment of Act of 2007*

6. The Act of 2007 is amended—

- (a) in section 67, by the insertion of the following paragraph after paragraph (k) (inserted by Regulation 6 of the European Union (Interchange Fees for Card-based Payment Transactions) (Amendment) Regulations 2016 (S.I. No. 292 of 2016)):

“(l) any contravention of the European Union (Unjustified Geo-blocking of Consumers) Regulations 2018 (S.I. No. 513 of 2018),”

- (b) in section 90(1), by the insertion of the following paragraph after paragraph (g) (inserted by Regulation 5 of the Regulations of 2015):

“(h) the provisions of the European Union (Unjustified Geo-blocking of Consumers) Regulations 2018 (S.I. No. 513 of 2018).”, and

- (c) in Schedule 5, by the insertion—

(i) in Column (1), of the following: “S.I. No. 513 of 2018”, and

(ii) in Column (2), of the following: “the European Union (Unjustified Geo-blocking of Consumers) Regulations 2018”.

*Amendment of European Communities (Cooperation between National Authorities Responsible for the Enforcement of Consumer Protection Laws) Regulations 2006*

7. The European Communities (Cooperation between National Authorities Responsible for the Enforcement of Consumer Protection Laws) Regulations 2006 (S.I. No. 290 of 2006) are amended in the Schedule by the insertion of the following entry after the entry at Reference Number 22 (inserted by Regulation 6 of the Regulations of 2015):

“

22.	Regulation (EU) 2018/302 of the European Parliament and of the Council of 28 February 2018 <sup>2</sup> on addressing unjustified geo-blocking and other forms of discrimination based on customers' nationality, place of residence or place of establishment within the internal market and amending Regulations (EC) No 2006/2004 and (EU) 2017/2394 and Directive 2009/22/EC	European Union (Unjustified Geo-blocking of Consumers) Regulations 2018 (S.I. No. 513 of 2018)	Competition and Consumer Protection Commission
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*Amendment of European Communities (Court Orders for the Protection of Consumer Interests) Regulations 2010*

8. The European Communities (Court Orders for the Protection of Consumer Interests) Regulations 2010 (S.I. 555 of 2010) are amended in the Schedule by the insertion of the following paragraph after paragraph 16 (inserted by Regulation 7 of the Regulations of 2015):

“17. Regulation (EU) 2018/302 of the European Parliament and of the Council of 28 February 2018<sup>3</sup> on addressing unjustified geo-blocking and other forms of discrimination based on customers' nationality, place of residence or place of establishment within the internal market and amending Regulations (EC) No 2006/2004 and (EU) 2017/2394 and Directive 2009/22/EC.”.

*Construction of References*

9. (1) Section 75 of the Act of 2007 shall apply for the purposes of these Regulations subject to the modification that references to a prohibited act or practice shall be construed as a reference to a contravention of these Regulations.

(2) Section 87 of the Act of 2007 shall apply for the purposes of these Regulations subject to the modification that references to the relevant statutory provisions shall be construed as a reference to these Regulations.

(3) Sections 10(1), 24, 35 and 36 of the Competition and Consumer Protection Act 2014 (No. 29 of 2014) shall apply for the purposes of these Regulations

<sup>2</sup>OJ No. L 60I, 2.3.2018, p. 1

<sup>3</sup>OJ No. L 60I, 2.3.2018, p. 1

subject to the modification that references to the relevant statutory provisions shall be construed as a reference to these Regulations.



GIVEN under my Official Seal,  
30 November 2018.

HEATHER HUMPHREYS,  
Minister for Business, Enterprise and Innovation.

EXPLANATORY NOTE

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

The Regulations give effect, for consumers, to Regulation (EU) 2018/302 of the European Parliament and of the Council of 28 February 2018 on addressing unjustified geo-blocking and other forms of discrimination based on customers' nationality, place of residence or place of establishment within the internal market and amending Regulations (EC) No 2006/2004 and (EU) 2017/2394 and Directive 2009/22/EC

The Regulations designates

- the Competition and Consumer Protection Commission for the purposes of Article 7 of the Council Regulation as regards disputes between a consumer and a trader, and
- the European Consumer Centre Ireland for the purposes of Article 8 of the Council Regulation.

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