EUROPEAN UNION (COOPERATION BETWEEN NATIONAL AUTHORITIES RESPONSIBLE FOR THE ENFORCEMENT OF CONSUMER PROTECTION LAWS) REGULATIONS 2020
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) 2017/2394 of the European Parliament and of the Council of 12 December 2017 and on co-operation between national authorities responsible for the enforcement of consumer protection laws and repealing Regulation (EC) No. 2006/2004, hereby make the following regulations:

Citation and Commencement

1. (1) These Regulations may be cited as the European Union (Cooperation between National Authorities Responsible for the Enforcement of Consumer Protection Laws) Regulations 2020.

(2) These Regulations come into operation on 17 January 2020.

Interpretation

2. (1) In these Regulations -

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


“Commission” means the Competition and Consumer Protection Commission.

(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.

Designation of Single Liaison Office

Notice of the making of this Statutory Instrument was published in “Iris Oifigiúil” of 21st January, 2020.
3. The Commission is designated as the single liaison office for the purposes of Article 5 of the Council Regulation.

**Designation of Competent Authorities**

4. The public authority or public authorities, as the case may be, specified in column 4 of the Schedule at a particular reference number are designated as the competent authority or competent authorities under Article 5(1) of the Council Regulation for the enforcement of those laws that protect consumers’ interests specified in column 3 of the Schedule at that reference number.

**Minimum powers of Commission**

5. (1) For the purposes of investigations relating to the Council Regulation, the Commission shall have the investigation powers referred to in Article 9(3) of the Council Regulation.

   (2) For the purpose of enforcement of the Council Regulation, the Commission shall have the enforcement powers referred to in Article 9(4)(a) to (h) of the Council Regulation.

   (3) The Commission -

      (a) shall have the power to start investigations or proceedings in accordance with Article 9(6) of the Council Regulation, and

      (b) may publish any final decision, trader’s commitments or orders adopted pursuant to the Council Regulation in accordance with Article 9(7) of the Council Regulation.

   (4) The powers referred to in paragraphs (1), (2) and (3) shall be exercised by the Commission in accordance with Article 10 of the Council Regulation.

**External alerts**

6. The European Consumer Centre Ireland is designated for the purpose of issuing alerts under Article 27 of the Council Regulation.

**Offences**

7. (1) For the purposes of Article 9(4)(h) of the Council Regulation and the powers of enforcement conferred on the Commission under Regulation 5(2), a person who fails to comply with a decision, order, interim measure, trader’s commitment or other measure specified in Article -

   (a) 9(4)(a),

   (b) 9(4)(b),

   (c) 9(4)(c).
(d) 9(4)(d),
(e) 9(4)(e),
(f) 9(4)(f), or
(g) 9(4)(g)(i) to (iii),

of the Council Regulation shall be guilty of an offence.

(2) Where a person commits an intra-Union infringement, a widespread infringement or a widespread infringement with a Union dimension relating to a national measure for which the Commission is designated as the competent authority under Article 5(1) of the Council Regulation, he or she commits an offence.

(3) For the purposes of paragraph (2) and Regulation 8(2), a “national measure” means the following:

(a) Chapters 1, 2, 3 and 4 of Part 3 and section 79 of the Act of 2007;
(b) European Communities (Unfair Terms in Consumer Contracts) Regulations 1995 (S.I. No. 27 of 1995);
(c) European Communities (Requirements to Indicate Product Prices) Regulations 2002 (S.I. No. 639 of 2002);
(d) European Communities (Certain Aspects of the Sale of Consumer Goods and Associated Guarantees) Regulations 2003 (S.I. No. 11 of 2003);
(e) European Communities (Directive 2000/31/EC) Regulations 2003 (S.I. No. 68 of 2003);
(f) European Communities (Misleading and Comparative Marketing Communications) Regulations 2007 (S.I. No. 774 of 2007);
(g) European Union (Provision of Services) Regulations 2010 (S.I. No. 533 of 2010);
(h) European Union (Protection of Consumers in respect of timeshare, Long-term Holiday Product, Resale and Exchange Contracts) Regulations 2011 (S.I. No. 73 of 2011);
(i) European Union (Consumer Information, Cancellation and Other Rights) Regulations 2013 (S.I. No. 484 of 2013);
(j) European Union (Alternative Dispute Resolution for Consumer Disputes) Regulations 2015 (S.I. No. 343 of 2015);
(k) European Union (Online Dispute Resolution for Consumer Disputes) Regulations 2015 (S.I. No. 500 of 2015);
Penalties

8. (1) A person who commits an offence under Regulation 7(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.

(2) Where a person commits an offence under a national measure and, the offence concerned also constitutes an offence under Regulation 7(2), the penalty in respect of the second mentioned offence shall be the penalty specified in the national measure in respect of the first mentioned offence concerned.

Amendment of Act of 2007

9. The Act of 2007 is amended -

(a) in section 90(1) -

(i) in paragraph (h), (inserted by the European Union (Unjustified Geo-blocking of Consumers) Regulations 2018 (S.I. No. 513 of 2018) by the substitution of “… 2018);” for “… 2018).”, and

(ii) by the insertion of the following paragraph after paragraph (h):

“(i) any contravention of the European Union (Cooperation between National Authorities Responsible for the Enforcement of Consumer Protection Laws) Regulations 2020 (S.I. No. 14 of 2020).”, and

(b) in Schedule 1, Part 2 -

(i) in column (1), by the deletion of “S.I. No. 290 of 2006”, and

(ii) in column (2), by the deletion of “European Communities (Cooperation between National Authorities Responsible for the Enforcement of Consumer Protection Laws) Regulations 2006”,

(c) in Schedule 4, by the insertion -
(i) in Column (1), of “S.I. No. 14 of 2020”, and
(ii) in Column (2), of “European Union (Cooperation between National Authorities Responsible for the Enforcement of Consumer Protection Laws) Regulations 2020”, and

(d) in Schedule 5, by the insertion -

(i) in Column (1), of “S.I. No. 14 of 2020”, and
(ii) in Column (2), of “European Union (Cooperation between National Authorities Responsible for the Enforcement of Consumer Protection Laws) Regulations 2020”.

Construction of references

10. (1) 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 subject to the modification that references to the relevant statutory provisions shall be construed as a reference to 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.

Revocation of regulations

11. The following regulations are revoked:

(a) European Communities (Cooperation between National Authorities Responsible for the Enforcement of Consumer Protection Laws) Regulations 2006 (S.I. No. 290 of 2006);

(b) European Communities (Cooperation between National Authorities Responsible for the Enforcement of Consumer Protection Laws) (Amendment) Regulations 2008 (S.I. No. 316 of 2008);

(c) European Communities (Cooperation between National Authorities Responsible for the Enforcement of Consumer Protection Laws) (Amendment) Regulations 2012 (S.I. No. 485 of 2012);

(d) European Communities (Cooperation between National Authorities Responsible for the Enforcement of Consumer Protection Laws) (Amendment) Regulations 2013 (S.I. No. 122 of 2013);

(e) European Communities (Cooperation between National Authorities Responsible for the Enforcement of Consumer Protection Laws) (Amendment) (No. 2) Regulations 2013 (S.I. No. 200 of 2013);
### Regulation 4

#### Schedule

<table>
<thead>
<tr>
<th>Column 1</th>
<th>Column 2</th>
<th>Column 3</th>
<th>Column 4</th>
</tr>
</thead>
<tbody>
<tr>
<td>Reference Number</td>
<td>European Measure</td>
<td>National Measure</td>
<td>Public Authority</td>
</tr>
</tbody>
</table>

---

4 OJ No. L 80, 18.3.1998, p. 27.
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>


Act of 2007

Commission


Act of 2007

Commission

---

<p>| | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>commerce”).</td>
<td>Act 2014 (No. 29 of 2014)</td>
<td></td>
</tr>
</tbody>
</table>

\(^7\) OJ No. L 311, 28.11.2001, p. 67.  
<p>| |</p>
<table>
<thead>
<tr>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
</tr>
<tr>
<td></td>
</tr>
</tbody>
</table>

<p>| |</p>
<table>
<thead>
<tr>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td></td>
</tr>
</tbody>
</table>

---


\(^{11}\) OJ No. L 149, 11.6.2005, p. 22.

---

<table>
<thead>
<tr>
<th></th>
<th>Act 2014 (No. 29 of 2014)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

16 OJ No. L 133, 22.5.2008, p. 66.
<p>| | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
</table>

regulation or administrative action in Member States concerning the provision of audiovisual media services (Audiovisual Media Services Directive) (Articles 9, 10, 11 and Articles 19 to 26).

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>20.</td>
<td></td>
<td>Commission for</td>
<td></td>
</tr>
</tbody>
</table>

---


Cancellation and Other Rights) Regulations 2013 (S.I. No. 484 of 2013)

Act of 2007

Competition and Consumer Protection Act 2014 (No. 29 of 2014)

Communications Regulation Act 2002 (No. 20 of 2002)

\begin{tabular}{|l|l|l|}
\hline
 & Act of 2007 & Competition and Consumer Protection Act 2014 (No. 29 of 2014) \hline
22. & Regulation (EU) No. 524/2013 of the European Parliament and of the Council of 21 May 2013\textsuperscript{24} on online dispute resolution for consumer disputes and amending & European Union (Online Dispute Resolution for Consumer Disputes) Regulations 2015 (S.I. No. 500 of 2015) \hline
 & & Commission \hline
\end{tabular}

\textsuperscript{22} OJ No. L 304, 22.11.2011, p. 64.
\textsuperscript{23} OJ No. L 165, 18.6.2013, p. 63.
\textsuperscript{24} OJ No. L 165, 18.6.2013, p. 1.
| | | | |
| | | Central Bank Act 1942 (No. 22 of 1942) | |
| | | Central Bank (Supervision and Enforcement) Act 2013 (No. 26 of 2013) | |
| | | Financial Services and Pensions Ombudsman Act 2017 (No. 22 of 2017) | |
| | | | |
| | | Central Bank Act 1942 (No. 22 of 1942) | |
| | | | |

\(^{25}\) OJ No. L 60, 28.2.2014, p. 34.

---

| Act of 2007 |
| Competition and Consumer Protection Act 2014 (No. 29 of 2014) |

\(^{29}\) OJ No. L 60I, 2.3.2018, p. 1.
GIVEN under my Official Seal,

HEATHER HUMPHREYS,
Minister for Business, Enterprise and Innovation.
EXPLANATORY NOTE

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


The Council Regulation lays down the conditions under which competent authorities, having been designated by their Member States as responsible for the enforcement of the Union laws listed in the Annex to the Regulation, cooperate and coordinate actions with each other and with the Commission, in order to enforce compliance with those laws which will enhance the protection of consumers’ economic interests and ensure the smooth functioning of the internal market.

These regulations designate:

- The Competition and Consumer Protection Commission as the Single Liaison Office for the purposes of co-ordinating the application of the Council Regulation between authorities in Ireland and other EU member states.

- The European Consumer Centre Ireland for the purpose of issuing external alerts under Article 27 of the Council Regulation.

- The Public Authorities in the State who are responsible for enforcing the Union laws listed in the Annex to the Council Regulation.

These regulations provide the Competition and Consumer Protection Commission with the investigative and enforcement powers required under Article 9 of the Council Regulation and provide for the revocation of those S.I.s currently on the statute book which implemented Regulation (EC) No. 2006/2004 which has now been repealed.

They also revoke S.I. No. 691 of 2019 which has been replaced by this S.I.