



STATUTORY INSTRUMENTS.

S.I. No. 703 of 2022

EUROPEAN UNION (DEPLOYMENT OF ALTERNATIVE FUELS
INFRASTRUCTURE) (FUEL PRICE COMPARISON) REGULATIONS
2022

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INFRASTRUCTURE) (FUEL PRICE COMPARISON) REGULATIONS
2022

I, EAMON RYAN, Minister for Transport, in exercise of the powers conferred on me by section 3 of the European Communities Act 1972 (No. 27 of 1972) and for the purposes of giving effect to Article 7(3) of Directive 2014/94/EU of the European Parliament and of the Council of 22 October 2014¹, hereby make the following regulations:

Citation and commencement

1. (1) These Regulations may be cited as the European Union (Deployment of Alternative Fuels Infrastructure) (Fuel Price Comparison) Regulations 2022.
- (2) These Regulations come into operation on 31 December 2022.

Interpretation

2. (1) In these Regulations—

“alternative fuels” means fuels or power sources which serve, at least partly, as a substitute for fossil oil sources in the energy supply to transport and which have the potential to contribute to its decarbonisation and enhance the environmental performance of the transport sector, they include, *inter alia*—

- (a) electricity,
- (b) hydrogen,
- (c) biofuels,
- (d) synthetic and paraffinic fuels,
- (e) natural gas, including biomethane, in gaseous form (compressed natural gas (“CNG”)), and
- (f) liquefied petroleum gas (“LPG”);

“authorised officer” means a person appointed under Regulation 10 as an authorised officer;

“common methodology” means the methodology set out in the Annex to Commission Implementing Regulation (EU) 2018/732 of 17 May 2018²;

“comparison website” means the website established and maintained by the SEAI under Regulation 6;

“diesel” has the same meaning as it has in the Order of 1997;

“fuel station” means a premises or place, in respect of which an auto-fuel trader’s licence granted by the Revenue Commissioners is in force and is

¹ OJ No. L 28.10.2014, p. 1

² OJ No. L 123, 18.5.2018, p. 85

mentioned in the list of auto-fuel trader's licence holders compiled by the Revenue Commissioners, comprising of 3 or more retail fuel pumps where diesel or petrol is available for sale or supply to the public and dispensed to passenger motor vehicles from the pumps;

“fuel pump” means a pumping unit which may dispense petrol, diesel or alternative fuels from one or more nozzles and to one or more vehicles at a time;

“fuel price comparison” means an indicative comparison of diesel, petrol and alternative fuel prices expressed as amount of euro currency per 100 km and based on a calculation carried out by the SEAI for the relevant yearly quarter in accordance with the common methodology;

“operator” means the person responsible for operating a fuel station, be it the owner of the fuel station or a party operating the fuel station on behalf of the owner;

“Order of 1997” means Retail Prices (Diesel and Petrol) Display Order 1997 (S. I. No. 178 of 1997);

"petrol" has the same meaning as it has in the Order of 1997;

“shop” in relation to a fuel station, means a premises on or attached to the station and managed by the operator for the payment of petrol or diesel obtained from pumps at the station or the purchase of goods (including groceries or fuel);

“SEAI” means Sustainable Energy Authority of Ireland.

(2) A word or expression which is used in these Regulations and is also used in Directive 2014/94/EU of the European Parliament and of the Council of 22 October 2014¹ has, unless the context otherwise requires, the same meaning in these Regulations as it has in that Directive.

Requirement to display fuel price comparison at fuel stations

3. (1) The operator of a fuel station shall ensure that—

- (a) a fuel price comparison is displayed at the fuel station in accordance with Regulation 4, and
- (b) the display is kept up to date with any information published on the comparison website for the relevant yearly quarter and is updated within 5 working days after the beginning of that quarter.

(2) The operator of a fuel station shall ensure the display of a fuel price comparison at the station—

- (a) does not mislead or confuse the user,
- (b) is not obstructed and is clearly visible to the public during business hours, or
- (c) does not interfere with or obstruct a notice displayed at the fuel station in accordance with the Order of 1997.

(3) An operator who fails to comply with this Regulation commits an offence and is liable on summary conviction to a class A fine.

Location of display of fuel price comparison at fuel stations

4. (1) A fuel price comparison shall be displayed at a fuel station at one or more of the following locations—

- (a) affixed to, or near, the fuel pumps, or
- (b) where a shop is part of the fuel station—
 - (i) at the entrance to it, or
 - (ii) inside the shop, at the place of payment for petrol or diesel obtained at the fuel station.

(2) An operator of a fuel station may select the most appropriate location set out in paragraph (1) for displaying a fuel price comparison at the fuel station, having regard to—

- (a) the availability of equipment at the premises,
- (b) the configuration of the filling station, and
- (c) the financial cost of display of a fuel price comparison.

Format of fuel price comparison display

5. (1) The display of a fuel price comparison may be in the form of—

- (a) a display on an electronic monitor, or
- (b) signage or posters.

(2) An operator may select the most appropriate form set out at paragraph (1) for displaying a fuel price comparison at a fuel station, having regard to—

- (a) the availability of equipment at the premises,
- (b) the configuration of the fuel station, and
- (c) the financial cost of display of a fuel price comparison.

(3) Where an electronic monitor is used, under paragraph (1)(a), it shall have a screen size of at least 19 inches or centimetre equivalent.

(4) Where signage or posters are used under paragraph (1)(b), the display sign or poster shall be—

- (a) size A3 (measuring 297x 420 mm) where the fuel price comparison is displayed at locations specified in Regulation 4(1)(a), and
- (b) in all other cases, the display shall be at least size A2 (measuring 420 x 594 mm).

(5) The display of a fuel price comparison shall be in the English language or the English and the Irish languages.

Fuel price comparison

6. (1) The SEAI shall establish and maintain a website for the purpose of this Regulation (the “comparison website”).

(2) The SEAI shall publish on the comparison website, not later than 10 working days before the start of a yearly quarter, a fuel price comparison, calculated using the common methodology, in respect of the previous yearly quarter.

(3) The fuel price comparison published by the SEAI on the comparison website shall comprise a table of indicative comparisons of petrol, diesel and alternative fuels in respect of one or more vehicle segments and be in the format set out in Schedule 1 or a format substantially to the like effect.

(4) Where an alternative fuel is not available in the State, this fuel type shall be excluded from the calculation referred to in paragraph (1) and shall not be included in the fuel price comparison.

(5) Where an alternative fuel is available in the State but no passenger motor vehicles selected for the calculation use that fuel type, that fuel type shall be included in the fuel price comparison but the price left empty.

(6) The SEAI shall maintain information in relation to the fuel price comparison on the comparison website, which shall include the following—

- (a) the methodology defined to calculate the average fuel costs for the vehicle samples in euros per 100 km,
- (b) the determination of the average fuel costs expressed in euros per conventional unit (e.g. litre, kilogram, kWh),
- (c) the fuel consumption data based on the WLTP for the national vehicles selected for the FPC,
- (d) the environmental performance of the selected vehicles (CO₂ emissions) based on the WLTP, and
- (e) the average fuel prices expressed in €/100 km, for the selected samples of vehicles.

(7) The SEAI may publish on the comparison website a description of vehicle segmentation.

(8) The SEAI, where it considers it feasible, may integrate information related to fuel prices, the energy content of fuels and the vehicle costs and efficiency on the comparison website.

Complaints

7. (1) The SEAI shall provide a complaint resolution service for any person who has reason to believe that an operator is not complying with these Regulations and shall publish details of the service on its website.

(2) Where a person considers that an operator is not complying with these Regulations, a complaint may be made in writing to the SEAI.

(3) The SEAI may make an investigation regarding a complaint received under paragraph (2).

Directions

8. (1) Where the SEAI considers, on its own initiative or following the investigation of a complaint under Regulation 7(2), an operator is failing to comply with Regulation 3, the SEAI may issue a direction to the operator stating the non-compliance, directing the operator to so comply with the direction and specifying the date by which the compliance must be remedied.

(2) The operator concerned may make representations to the SEAI regarding a direction under paragraph (1) within 21 days of the issue of it.

(3) The SEAI, having considered any representations under paragraph (2), may confirm, amend or withdraw the direction.

(4) An operator aggrieved by a decision of the SEAI under paragraph (3) may, within 14 days of notice of the decision, make an application to the judge of the District Court in whose District Court district the fuel station concerned is located. The judge may confirm or amend the decision or allow the appeal. The decision of the court is final other than on a point of law to the High Court.

(5) A direction under paragraph (1) comes into operation—

- (a) where no representations are made under paragraph (2), on the expiration of the period referred to in that paragraph,
- (b) where representations are made under that paragraph, on the confirmation or amendment of it by the SEAI, or
- (c) where an appeal is made under paragraph (4), upon the determination of the appeal or its withdrawal.

(6) An operator who fails to comply with a direction under paragraph (1) commits an offence and is liable on summary conviction to a class A fine.

Service of directions

9. (1) A direction under Regulation 8(1) or a notice of a decision under Regulation 8(3) shall, as soon as practicable, be sent or given in writing by the SEAI in any of the following ways:

- (a) by delivering it to the parties to the dispute;
- (b) by leaving it at the addresses at which the parties to the dispute ordinarily carry on business;
- (c) by sending it by pre-paid registered post addressed to the parties to the dispute at the addresses at which the parties to the dispute ordinarily carry on business;

- (d) if an address for service has been furnished by a party to the dispute to the SEAI, by leaving it at, or sending it by pre-paid registered post to, that address;
- (e) in any case where the SEAI considers that the immediate giving of the direction or decision is required, by sending it, by means of electronic mail, to a device or facility for the reception of electronic mail located at the address at which a party to the dispute carries on business or, if an address for the service of notices has been furnished by a party to the dispute, that address, but only if the recipient's facility for the reception of electronic mail generates a message confirming receipt of the electronic mail, and it is also given in one of the other ways mentioned in subparagraphs (a) to (d).

(2) In paragraph (1), a party to a dispute which is a company or an existing company (within the meaning of the Companies Act 2014) is deemed to be ordinarily resident at its registered office and every other body corporate and every unincorporated body of persons shall be deemed to be ordinarily resident at its principal office or place of business.

Authorised officers

10. (1) The SEAI may for the purposes of enforcing these Regulations appoint in writing such persons or classes of persons as it considers appropriate to be authorised officers to exercise the functions referred on an authorised officer under this Regulation.

(2) An authorised officer may enter a fuel station, at all reasonable times (other than premises used as a private dwelling, except with the consent of its occupier) upon production, if so requested, of his or her warrant of appointment or other evidence that he or she is such an officer for inspection, for the purposes of ensuring compliance with these Regulations or investigating whether there has been any breach of the requirements of these Regulations and may:

- (a) inspect the premises of the fuel station, including any shop;
- (b) require any person on the premises of the fuel station or shop to produce for inspection documents, records or any other information, in whatever form it is held, within such period as the officer considers reasonable or take copies of or extracts from such or take them away for further inspection;
- (c) take photographs or measurements.

(3) An authorised officer may be assisted by such persons and bring such equipment as he or she considers necessary to enable him or her to exercise his or her powers under this Regulation.

(4) A person who—

- (a) fails to permit an inspection of a premises under this Regulation,

- (b) without reasonable explanation, fails or refuses to comply with any request or requirement made by an authorised officer under this Regulation,
- (c) obstructs, impedes or interferes with an authorised officer in the exercise of a power under this Regulation,
- (d) knowingly gives to an authorised officer information which is false or misleading in a material respect, or
- (e) knowingly alters, suppresses, or destroys any document or record, including a printed copy of it or electronic data, which the person concerned has been requested or required to produce, or may reasonably expect to be required to produce,

commits an offence and is liable on summary conviction to a class A fine.

- (5) (a) An authorised officer may apply to a judge of the District Court for a warrant authorising the entry by the authorised officer onto or into the premises or the land or any part thereof—
 - (i) where an authorised officer in the exercise of his or her powers under this Regulation is prevented from entering any premises or land or any part thereof, or
 - (ii) if he or she has reason to believe that evidence related to a suspected offence under Regulation 3(3) or 8(6) may be present in any premises or land or any part thereof and that the evidence may be removed therefrom or destroyed.
- (b) If, on application being made to the District Court under this paragraph, the judge is satisfied, on the sworn information of the authorised officer that he or she has been prevented from entering a premises or land or any part thereof, the judge may issue a warrant authorising that person, accompanied, if the judge deems it appropriate by another authorised officer or a member of the Garda Síochána, as may be specified in the warrant, at any time or times within one month from the date of the issue of the warrant, on production, if so requested, of the warrant, to enter, if need be by force, the premises concerned and exercise the powers under this Regulation.

Offence by body corporate

11. (1) If an offence under Regulation 3(3) or 8(6) is committed by a body corporate and the offence is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, a person who is a director, manager, secretary or other similar officer of the body, or is a person who was purporting to act in any such capacity, that person as well as the body corporate commits an offence and is liable to be proceeded against and punished as if that person had committed the first-mentioned offence.

(2) If the affairs of a body corporate are managed by its members, paragraph (1) applies in relation to the acts and omissions of a member of the body in connection with the member's functions of management as if the member were a director or manager of it.

Prosecution of offences

12. Proceedings for an offence under these Regulations may be brought and prosecuted summarily by the SEAI.

Fixed payment notice

13. (1) Where an authorised officer or the SEAI believes a person is committing or has committed an offence under Regulation 3(3) or 8(6), the officer or the SEAI, as the case may be, may serve on the person a notice in writing in the form specified in Schedule 2 stating that –

- (a) the person is alleged to have committed the offence,
- (b) the person may, during the period of 28 days beginning on the date of the notice, pay to the SEAI, by the method and at the address specified in the notice, the amount of €500 accompanied by the notice or the reference number mentioned on it, and
- (c) a prosecution in respect of the alleged offence will not be instituted during the period specified in the notice and, if the payment specified in the notice is made in accordance with the notice during that period, no prosecution in respect of the alleged offence will be instituted.

(2) Where a notice is served under paragraph (1), a prosecution in respect of the alleged offence shall not be instituted during the period specified in the notice and, if the amount specified in the notice is paid in accordance with the notice, the person concerned shall not be prosecuted in respect of the alleged offence.

(3) In a prosecution for an offence referred to in paragraph (1), the onus of showing that a payment in accordance with a notice under this Regulation has been made shall lie on the person against whom the proceedings are brought.

(4) The SEAI may receive the payment under a notice under paragraph (1) and issue a receipt for it and retain the money for it to be paid into or disposed of for the benefit of the Exchequer. The payment shall not be recoverable by the person who made it.

(5) A notice under paragraph (1) may be served on a person by –

- (a) delivering it to or leaving it for the person at the fuel station concerned or his or her principal place of business,
- (b) sending it there by electronic mail (where receipt of delivery of the e-mail is generated) to the person, or

- (c) in case an address for service of notices has been given by the person, by post or electronic mail (where receipt of delivery of the e-mail is generated) to the person at that address.

Schedule 1

Fuel Price Comparison

Fuel Price Comparison in €/100 km	
Yearly Quarter	
Representative Vehicle Segment	
[vehicle segment chosen – one or more]	
Fuel Type	Price (Estimation) €/100 km
Petrol	
Diesel	
LPG	
CNG	
Electricity	
Hydrogen	
Estimated prices following 2014/94/EU Article 7(3) Directive	
More information: www. _____	
QR Code	

Schedule 2

Fixed Payment Notice

Sustainable Energy Authority of Ireland

Reference number _____

European Union (Deployment of Alternative Fuels Infrastructure) (Fuel Price Comparison) Regulations 2022 (S. I. No. _____ of 2022)

It is alleged that you (insert name) have committed an offence under Regulation 3(4) or 8(6) of the European Union (Deployment of Alternative Fuels Infrastructure) (Fuel Price Comparison) Regulations 2022 (S. I. No. ____2022) at (insert place) on (insert date) by contravening Regulation 3(3) of those Regulations – Failing to display Fuel Price Comparison at fuel station in accordance with Regulation 3 or failing to comply with a direction of the SEAI under Regulation 8*.

If you pay to SEAI the amount of €500 not later than 28 days from the date of this notice in the manner mentioned below a prosecution in respect of the above-mentioned offence will not be brought against you.

The payment may be made by delivering it personally at or posting or sending it electronically to (specify address) by cash (if made personally) cheque or debit/credit card or such other method acceptable to the SEAI.

The payment must be accompanied by this notice or the reference number mentioned on it.

Date of Notice

Authorised officer

*Delete as appropriate



GIVEN under my Official Seal,
20 December, 2022.

EAMON RYAN,
Minister for Transport..

EXPLANATORY NOTE

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

These Regulations provide for the display for information purposes of a fuel price comparison of petrol, diesel and alternative fuels at petrol stations when fuel prices are displayed at the station.

The Regulations provide for the manner of such display and enforcement measures.

The SEAI shall provide a website in respect of fuel price comparison.

BAILE ÁTHA CLIATH
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