



STATUTORY INSTRUMENTS.

S.I. No. 485 of 2012

EUROPEAN COMMUNITIES (COOPERATION BETWEEN NATIONAL
AUTHORITIES RESPONSIBLE FOR THE ENFORCEMENT OF
CONSUMER PROTECTION LAWS) (AMENDMENT) REGULATIONS
2012

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AUTHORITIES RESPONSIBLE FOR THE ENFORCEMENT OF
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2012

I, RICHARD BRUTON, 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) and for the purpose of giving further effect to Regulation (EC) No 2006/2004 of the European Parliament and of the Council of 27 October 2004¹ as amended by Directive 2009/136/EC of the European Parliament and of the Council of 25 November 2009² and Regulation (EU) No 954/2011 of the European Parliament and of the Council of 14 September 2011³ hereby make the following regulations:

1. These Regulations may be cited as the European Communities (Cooperation between National Authorities Responsible for the Enforcement of Consumer Protection Laws) (Amendment) Regulations 2012.

2. In these Regulations, “Principal Regulations” mean the European Communities (Cooperation between National Authorities Responsible for the Enforcement of Consumer Protection Laws) Regulations 2006 (S.I. No. 290 of 2006) as amended by European Communities (Cooperation between National Authorities Responsible for the Enforcement of Consumer Protection Laws) (Amendment) Regulations 2008 (S.I. No. 316 of 2008).

3. The Principal Regulations are amended:

(a) in Regulation 2(1) by—

(i) substituting the following definition for the definition of “Council Regulation”:

“ “Council Regulation” means Council Regulation (EC) No. 2006/2004 of 27 October 2004¹ on cooperation between national authorities responsible for the enforcement of consumer protection laws as amended by Directive No. 2005/29/EC of the European Parliament and of the Council of 11 May 2005⁴, Directive 2009/136/EC of the European Parliament and of the Council of 25 November 2009² and Regulation (EU) No 954/2011 of the European Parliament and of the Council of 14 September 2011³;” and

¹OJ No. L. 364, 9.12.2004, p.1.

²OJ No. L. 337, 18.12.2009, p. 11.

³OJ No. L. 259, 4.10.2011, p.1.

⁴OJ No. L. 149, 11.06.2005, p.22.

*Notice of the making of this Statutory Instrument was published in
“Iris Oifigiúil” of 7th December, 2012.*

- (ii) deleting the definition of “office of Director of Consumer Affairs”;
- (b) in Regulation 3 by substituting “National Consumer Agency” for “office of Director of Consumer Affairs”;
- (c) in the Schedule by—
- (i) substituting “National Consumer Agency” for “office of Director of Consumer Affairs” in each place where it occurs,
- (ii) substituting the following entry for the entry at Reference Number 1:

“

| | | | |
|----|---|--|--------------------------|
| 1. | Directive 2006/114/EC of the European Parliament and of the Council of 12 December 2006 ⁵ concerning misleading and comparative advertising: Article 1, Article 2(c) and Articles 4 to 8 | European Communities (Misleading and Comparative Marketing Communications) Regulations 2007 (S.I. No. 774 of 2007) | National Consumer Agency |
|----|---|--|--------------------------|

”

- (iii) substituting the following entries for the entries at Reference Numbers 3 and 4:

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|----|---|---|---|
| 3. | Directive 2008/48/EC of the European Parliament and of the Council of 23 April 2008 ⁶ on credit agreements for consumers and repealing Council Directive 87/102/EEC | European Communities (Consumer Credit Agreements) Regulations 2010 (S.I. No. 281 of 2010) | National Consumer Agency Central Bank of Ireland Financial Services Ombudsman |
| 4. | Directive 2010/13/EU of the European Parliament and of the Council of 10 March 2010 ⁷ on the coordination of certain provisions laid down by law, 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 | Broadcasting Act 2009 (No. 18 of 2009) | Broadcasting Authority of Ireland |

”

⁵OJ No. L. 376, 27.12.2006, p. 21.

⁶OJ No. L.133, 22.5.2008, p.66.

⁷OJ No. L. 95, 15.4.2010, p. 1.

(iv) substituting the following entries for the entries at Reference Numbers 6 and 7:

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| | | | |
|----|---|---|---|
| 6. | Council Directive 93/13/EEC of 5 April 1993 ⁸ on unfair terms in consumer contracts | European Communities (Unfair terms in Consumer Contracts) Regulations 1995 (S.I. No. 27 of 1995) Consumer Protection Act 2007 | National Consumer Agency Central Bank of Ireland |
| 7. | Directive 2008/122/EC of the European Parliament and of the Council of 14 January 2009 ⁹ on the protection of consumers in respect of certain aspects of timeshare, long-term holiday product, resale and exchange contracts | 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) | National Consumer Agency |

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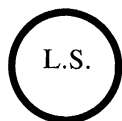
(v) deleting the entry at Reference Number 9, and

(vi) inserting the following entry after the entry at Reference Number 16:

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|-----|---|--|---|
| 17. | Directive 2002/58/EC of the European Parliament and of the Council of 12 July 2002 ¹⁰ concerning the processing of personal data and the protection of privacy in the electronic communications sector: Article 13 | European Communities (Electronic Communications Networks and Services) (Privacy and Electronic Communications) Regulations 2011 (S.I. No. 336 of 2011) | Data Protection Commissioner within the meaning of the Data Protection Acts 1988 and 2003 Commission for Communications Regulation |
|-----|---|--|---|

”



GIVEN under my Official Seal,
16 November 2012.

RICHARD BRUTON,
Minister for Jobs, Enterprise and Innovation.

⁸OJ No. L. 95, 21.4.1993, p. 29.

⁹OJ No. L. 33, 3.2.2009, p. 10.

¹⁰OJ No. L. 201, 31.7.2002, p. 37.

EXPLANATORY NOTE

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

These Regulations were made to give effect to Regulation (EU) No 2006/2004 of the European Parliament and the Council of 27 October 2004 as amended by Directive 2009/136/EC of the European Parliament and of the Council of 25 November 2009 and Regulation (EU) No. 954/2011 of the European Parliament and the Council of 14 September 2011 on cooperation between national authorities responsible for the enforcement of consumer protections laws.

Several of the legislative acts listed in the Annex to Regulation (EC) No. 2006/2004 have been repealed and new legislation has been adopted in regard to the Regulation.

In addition, these Regulations further provide that specified agencies of the State are designated as competent authorities for the purpose of implementing the new legislative acts listed in the Annex to Regulation (EU) No. 954/2011.

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