



STATUTORY INSTRUMENTS.

**S.I. No. 310 of 2014**



EUROPEAN UNION (BRANCH DISCLOSURES) (INTERCONNECTION  
OF BUSINESS REGISTERS) REGULATIONS 2014

## EUROPEAN UNION (BRANCH DISCLOSURES) (INTERCONNECTION OF BUSINESS REGISTERS) REGULATIONS 2014

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 Directive 2012/17/EU of the European Parliament and of the Council of 13 June 2012,<sup>1</sup> hereby make the following regulations:

*Citation, construction and commencement*

1. (1) These Regulations may be cited as the European Union (Branch Disclosures) (Interconnection of Business Registers) Regulations 2014.

2. The European Communities (Branch Disclosures) Regulations 1993 (S.I. No. 395 of 1993) are amended—

(a) in Regulation 2(1) by—

(i) the substitution for the definition of “the 1989 Directive” of the following:

“ ‘the 1989 Directive’ means Council Directive No. 89/666/EEC of 21 December 1989<sup>2</sup> as amended by Directive No. 2012/17/EU of the European Parliament and of the Council of 13 June 2012<sup>3</sup>,” and

(ii) the insertion of the following:

‘Directive No. 2009/101/EC’ means Directive No. 2009/101/EC of the European Parliament and of the Council of 16 September 2009<sup>4</sup> as amended by Directive No. 2012/17/EU of the European Parliament and of the Council of 13 June 2012<sup>5</sup>;

‘EEA Agreement’ means the Agreement on the European Economic Area signed at Oporto on 2 May 1992, as adjusted by the Protocol signed at Brussels on 17 March 1993;

‘interconnection system’ means the system of interconnection of central, commercial and companies registers established in accordance with Article 4a(2) of Directive No. 2009/101/EC;

<sup>1</sup>OJ No. L 156, 16.6.2012, p.1.

<sup>2</sup>OJ No. L 395, 30.12.1989, p.36.

<sup>3</sup>OJ No. L 156, 16.6.2012, p.1.

<sup>4</sup>OJ No. L 258, 1.10.2009, p.11.

<sup>5</sup>OJ No. L 156, 16.6.2012, p.1.

*Notice of the making of this Statutory Instrument was published in “Iris Oifigiúil” of 8th July, 2014.*

‘Irish register’ means the register maintained by the registrar;

‘Member State’ means a state that is a contracting party to the EEA Agreement;

“Official Assignee” has the same meaning as it has in the Bankruptcy Act 1988;”.

(b) by the insertion of the following Part after Part II:

*“PART IIA INTERCONNECTION SYSTEM*

5A. Regulations 5B to 5F shall come into operation on the date of the establishment of the interconnection system.

5B. The registrar shall make the documents and particulars referred to in—

(1) subparagraphs (2)(a), (2)(c), (2)(d), (2)(e), (2)(f), (2)(g), (2)(i), (3)(d), (3)(e) and 3(f) of Regulation 4, and

(2) to the extent it relates to the persons referred to in subparagraphs (2)(f) and (g) of Regulation 4, subparagraph (3)(c) of Regulation 4,

available to members of the public through the interconnection system in a standard message form and shall ensure that such documents and particulars are accessible by electronic means.

5C. (1) The registrar shall assign a unique identifier to each branch on the Irish register that is a branch of a company to which this Part applies.

(2) The unique identifier referred to in paragraph (1) shall include the branch number and elements which make it possible to identify that the register of the branch is the Irish register.

5D. As soon as practicable following receipt, the registrar shall make available through the interconnection system the following information in respect of a company under the Companies Acts:

(a) the making of a winding-up order under section 213 of the Companies Act 1963 (No. 33 of 1963);

(b) the appointment of a provisional liquidator under section 226 of that Act;

(c) the appointment of a liquidator under section 225 of that Act;

(d) the passing of a resolution for a voluntary winding-up under section 251 of that Act;

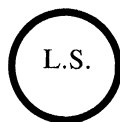
- (e) the appointment of a liquidator in a creditors' voluntary winding up under section 267 of that Act;
- (f) an arrangement under the control of the Court that involves the vesting of all or part of the property of the company in the Official Assignee for realisation and distribution;
- (g) the appointment of an examiner (whether interim or otherwise) under section 2 of the Companies (Amendment) Act 1990 (No. 27 of 1990);
- (h) the appointment of a receiver of the whole or substantially the whole of the property of a company;
- (i) the cessation of an appointment of a receiver of the whole or substantially the whole of the property of a company;
- (j) the striking off under section 311 of the Companies Act 1963, section 12 or 12A of the Companies (Amendment) Act 1982 or section 43 of the Companies (Amendment) (No. 2) Act, 1999 from the register referred to in those sections of those Acts.

5E. Compliance by the registrar with the obligations under Regulation 5D shall constitute compliance by the registrar with the obligations under paragraph (11) of Regulation 5 of the European Communities (Companies) Regulations 2014.

5F. The registrar shall enable receipt from registers in other Member States of the information referred to in Article 5a(1) of the 1989 Directive relating to a company to which this Part applies with a branch or branches in the State.”, and

- (c) by the substitution of the following paragraph for paragraph (1) of Regulation 19:

“(1) A person who contravenes any provision of these Regulations, other than Regulations 5B to 5E, shall be guilty of an offence.”.



GIVEN under my Official Seal,  
3 July 2014.

RICHARD BRUTON,  
Minister for Jobs Enterprise and Innovation.

EXPLANATORY NOTE

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

These Regulations give effect to the amendments of Council Directive No. 89/666/EEC of 21 December 1989, concerning disclosure requirements in respect of branches opened in a Member State by certain types of company governed by the law of another State, by Directive 2012/17/EU of the European Parliament and of the Council of 13 June 2012 on the interconnection of central, commercial and companies registers.

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