



STATUTORY INSTRUMENTS.

S.I. No. 636 of 2020



EUROPEAN UNION (RAIL PASSENGERS' RIGHTS AND
OBLIGATIONS) (AMENDMENT) REGULATIONS 2020

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EUROPEAN UNION (RAIL PASSENGERS' RIGHTS AND OBLIGATIONS) (AMENDMENT) REGULATIONS 2020

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 purpose of giving effect to Regulation (EU) 2017/2394 of the European Parliament and of the Council of 12 December 2017¹ on cooperation between national authorities responsible for the enforcement of consumer protection laws and repealing Regulation (EC) No 2006/2004², in so far as Regulation (EU) 2017/2394 relates to Regulation (EC) No 1371/2007 of the European Parliament and of the Council of 23 October 2007³ on rail passengers' rights and obligations hereby make the following regulations:

Citation

1. These Regulations may be cited as the European Union (Rail Passengers' Rights and Obligations) (Amendment) Regulations 2020.

Amendment of European Union (Rail Passengers' Rights and Obligations) Regulations 2010

2. The European Communities (Rail Passengers' Rights and Obligations) Regulations 2010 (S.I. No. 646 of 2010) are amended:

- (a) in Regulation 2(1), by the insertion of the following definition:
“‘Council Regulation’ means Regulation (EU) 2017/2394 of the European Parliament and of the Council of 12 December 2017¹ on co-operation between national authorities responsible for the enforcement of consumer protection laws;”,
- (b) in Regulations 2(2), 4, 5, 6 and 7, by the insertion of “or the Council Regulation” after “Regulation (EC)” in each place where it occurs,
- (c) by the substitution of the following for Regulation 3:
“3. (1) The Authority is designated as the body responsible for the enforcement of the Regulation (EC) in the State.

(2) The Authority is designated as the body responsible for the enforcement of the Council Regulation in so far as that Regulation relates to rail passengers' rights and obligations and

¹ OJ No. L345 27.12.2017, p. 1

² OJ No. L364, 9.12.2004, p. 1

³ OJ No. L315, 3.12.2007, p. 14

references to a provider in these Regulations shall be construed as including references to a trader.

(3) For the purposes of investigations relating to the Council Regulation, the Authority shall have the investigation powers referred to in Article 9(3)(c) and (d) of the Council Regulation.

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

(5) The Authority may publish any final decision, trader's commitment or order adopted pursuant to the Council Regulation in accordance with Article 9(7) of the Council Regulation.

(6) The powers referred to in paragraphs (3), (4) and (5) shall be exercised by the Authority in accordance with Article 10 of the Council Regulation.", and

(d) by the insertion of the following after Regulation 5:

"5A. (1) For the purposes of Article 9(4)(h) of the Council Regulation and the powers of enforcement conferred on the Authority under Regulation 3(4), 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), or
- (f) 9(4)(f)

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 these Regulations for which the Authority is designated as the competent authority under Article 5(1) of the Council Regulation, he or she shall be guilty of an offence.

(3) (a) A person 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.

(b) A person who commits an offence under paragraph (2) shall be

liable on summary conviction to a class B fine.”.



GIVEN under my Official Seal,
16 December, 2020.

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 amend the European Communities (Rail Passengers' Rights and Obligations) Regulations 2010 (SI No. 646 of 2010). The purpose of these Regulations is to give effect to the implementation of Regulation (EU) 2017/2394 on cooperation between national authorities responsible for the enforcement of consumer protection laws in so far as Regulation (EU) 2017/2394 relates to Regulation (EU) 1371/2007 on rail passenger' rights and obligations.

These Regulations provide the National Transport Authority with the investigation and enforcement powers required under Regulation (EU) 2017/2394.

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