

**Correlation Table**  
**Directive 2014/104/EU and S.I. No. 43 of 2017**

Directive 2014/104/EU	S.I. No. 43 of 2017
<b>CHAPTER I SUBJECT MATTER, SCOPE AND DEFINITIONS</b>	
Article 1 <b>Subject Matter and Scope</b>	Administrative provision
Article 2 <b>Definitions</b>	Regulation 2 and 8(3)
<b>Article 3 Right to full compensation</b>	
Article 3(1)	Regulation 4(1)
Article 3(2)	Regulation 4(2)
Article 3(3)	Regulation 4(3) and 4(4)
Article 4 <b>Principles of effectiveness and equivalence</b>	Given effect by <a href="#">Section 14</a> of the Competition Act 2002 as amended
<b>CHAPTER II DISCLOSURE OF EVIDENCE</b>	
<b>Article 5 Disclosure of evidence</b>	
Article 5(1)	Given effect by Court Rules (Order <a href="#">32</a> of the Circuit Court 2001 and Order <a href="#">31</a> of the Rules of the Superior Courts 1986)
Article 5(2)	Given effect by Court Rules (Order <a href="#">32</a> of the Circuit Court 2001 and Order <a href="#">31</a> of the Rules of the Superior Courts 1986)
Article 5(3)	Regulation 5(1)
Article 5(3)(a)	Regulation 5(1)(a)
Article 5(3)(b)	Regulation 5(1)(b)
Article 5(3)(c)	Regulation 5(1)(c)
Article 5(4)	Regulation 5(2)
Article 5(5)	We consider that a specific transposition measure is not required
Article 5(6)	Principle already exists in Irish case law – see <a href="#">Fyffes Plc v DCC Plc &amp; Ors [2005] IESC 3</a> concerning the case law and history of legal professional privilege. See also Order <a href="#">31</a> Rule 20(2) of the Rules of the Superior Courts 1986 and Order <a href="#">32</a> Rule 5 of the Circuit Court 2011, which provide that a court may inspect documents over which privilege has been claimed in order to determine the validity of that claim
Article 5(7)	Given effect by Court Rules (Orders <a href="#">23</a> and <a href="#">32</a> of the Circuit Court 2001 and Orders <a href="#">31</a> and <a href="#">39</a> of the Rules of the Superior Courts 1986)
Article 5(8)	We consider that a specific transposition measure is not required

**Article 6 Disclosure of evidence included in the file of a competition authority**

Article 6(1)	Regulation 6(1)
Article 6(2)	We consider that a specific transposition measure is not required
Article 6(3)	Regulation 6(1)
Article 6(4)	Regulation 6(2)
Article 6(4)(a)	Regulation 6(2)(a)
Article 6(4)(b)	Regulation 6(2)(b)
Article 6(4)(c)	Regulation 6(2)(c)
Article 6(5)	Regulation 6(3)
Article 6(5)(a)	Regulation 6(3)(a)
Article 6(5)(b)	Regulation 6(3)(b)
Article 6(5)(c)	Regulation 6(3)(c)
Article 6(6)	Regulation 6(4)
Article 6(6)(a)	Regulation 6(4)(a)
Article 6(6)(b)	Regulation 6(4)(b)
Article 6(7)	Regulation 6(5)
Article 6(8)	Regulation 6(6)
Article 6(9)	Regulation 6(7)
Article 6(10)	Regulation 6(8)
Article 6(11)	Regulation 6(9)

**Article 7 Limits on the use of evidence obtained solely through access to the file of a competition authority**

Article 7(1)	Regulation 7(1)
Article 7(2)	Regulation 7(2)
Article 7(3)	Regulation 7(3)

**Article 8 Penalties**

Article 8(1)	Regulation 6(10)
Article 8(1)(a)	Regulation 6(10)(a)
Article 8(1)(b)	Regulation 6(10)(b)
Article 8(1)(c)	Regulation 6(10)(c)
Article 8(1)(d)	Regulation 6(10)(d)
Article 8(2)	Regulation 6(10)

**CHAPTER III EFFECT OF NATIONAL DECISIONS, LIMITATION PERIODS, JOINT AND SEVERAL LIABILITY****Article 9 Effect of national decisions**

Article 9(1)	Regulation 8(1) and <a href="#">Section 8</a> of the Competition Amendment Act 2012
Article 9(2)	Regulation 8(2)
Article 9(3)	We consider that a specific transposition measure is not required

**Article 10 Limitation periods**

Article 10(1)	Regulation 9
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Article 10(2)	Regulation 9
Article 10(2)(a)	Regulation 9
Article 10(2)(b)	Regulation 9
Article 10(2)(c)	Regulation 9
Article 10(3)	Regulation 9
Article 10(4)	Regulation 9
<b>Article 11 Joint and several liability</b>	
Article 11(1)	Regulation 10(1)
Article 11(2)	Regulation 10(2)
Article 11(2)(a)	Regulation 10(2)(a)
Article 11(2)(b)	Regulation 10(2)(b)
Article 11(3)	Regulation 10(3)
Article 11(3)(a)	Regulation 10(3)(a)
Article 11(3)(b)	Regulation 10(3)(b)
Article 11(4)	Regulation 10(4)
Article 11(4)(a)	Regulation 10(4)(a)
Article 11(4)(b)	Regulation 10(4)(b)
Article 11(5)	Regulation 10(5)
Article 11(6)	Regulation 10(6)
<b>CHAPTER IV THE PASSING-ON OF OVERCHARGES</b>	
<b>Article 12 Passing-on of overcharges and the right to full compensation</b>	
Article 12(1)	Regulation 11(1), (2) and (3)
Article 12(2)	Regulation 11(4)
Article 12(3)	Regulation 11(5)
Article 12(4)	Regulation 11(6)
Article 12(5)	Regulation 11(7)
Article 13 <b>Passing-on defence</b>	Regulation 12(1), (2) and (3)
<b>Article 14 Indirect purchasers</b>	
Article 14(1)	Regulation 13(1), (2) and (3)
Article 14(2)	Regulation 13(4)
Article 14(2)(a)	Regulation 13(4)(a)
Article 14(2)(b)	Regulation 13(4)(b)
Article 14(2)(c)	Regulation 13(4)(c)
Last sentence in Article 14(2)	Regulation 13(5)
<b>Article 15 Actions for damages by claimants from different levels in the supply chain</b>	
Article 15(1)	Regulation 14(1)(a) and 14(1)(b)
Article 15(1)(a)	Regulation 14(2)(a)
Article 15(1)(b)	Regulation 14(2)(b)
Article 15(1)(c)	Regulation 14(2)(c)
Article 15(2)	We consider that a specific transposition measure is not required

Article 16 <b>Guidelines for national courts</b>	This is a matter for the EU Commission
<b>CHAPTER V QUANTIFICATION OF HARM</b>	
<b>Article 17 Quantification of harm</b>	
Article 17(1)	Regulation 15(1) and (2)
Article 17(2)	Regulation 15(3)
Article 17(3)	Regulation 15(4)
<b>CHAPTER VI CONSENSUAL DISPUTE RESOLUTION</b>	
<b>Article 18 Suspensive and other effects of consensual dispute resolution</b>	
Article 18(1)	Regulation 9
Article 18(2)	Regulation 16(1)
Article 18(3)	Regulation 16(2)
<b>Article 19 Effect of consensual settlements on subsequent actions for damages</b>	
Article 19(1)	Regulation 17(1)
Article 19(2)	Regulation 17(2)
Article 19(3)	Regulation 17(3)
Article 19(4)	Regulation 17(4)
<b>CHAPTER VII FINAL PROVISIONS</b>	
Article 20 <b>Review</b>	This is a matter for the EU Commission
<b>Article 21 Transposition</b>	
Article 21(1)	Regulation 1(2)
Article 21(2)	Administrative provision – NEMS system applies
<b>Article 22 Temporal application</b>	
Article 22(1)	Regulation 3
Article 22(2)	We consider that a specific transposition measure is not required
Article 23 <b>Entry into force</b>	We consider that a specific transposition measure is not required
Article 24 <b>Addressees</b>	We consider that a specific transposition measure is not required