

**STATUTORY INSTRUMENTS**

**S. I. No. 290 of 2006**

**European Communities (Cooperation between National Authorities  
Responsible for the Enforcement of Consumer Protection Laws)  
Regulations 2006.**

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**S.I. No. 290 of 2006**

**European Communities (Cooperation between National Authorities Responsible for the Enforcement of Consumer Protection Laws) Regulations 2006.**

I, MICHEÁL MARTIN, Minister for Enterprise, Trade and Employment, 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 2004<sup>1</sup>, 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) Regulations 2006.

2. (1) In these Regulations -

“Council Regulation” means Regulation (EC) No. 2006/2004 of the European Parliament and of the Council of 27 October 2004<sup>1</sup> on cooperation between national authorities responsible for the enforcement of consumer protection laws;

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<sup>1</sup> OJ No. L 364, 9.12.2004, p.1.

“Financial Services Ombudsman” has the meaning assigned to it by section 2 (inserted by section 2(d) of the Central Bank and Financial Services Authority of Ireland Act 2004 (No. 24 of 2004)) of the Central Bank Act 1942 (No. 22 of 1942);

“Irish Financial Services Regulatory Authority” means the body established by section 33B (inserted by section 26 of the Central Bank and Financial Services Authority of Ireland Act 2003 (No. 12 of 2003)) of the Central Bank Act 1942;

“laws that protect consumers’ interests” means the Council Regulation specified at reference number 14 in column 2 of the Schedule and the legislation specified in column 3 of the Schedule;

“office of Director of Consumer Affairs” means the office established under section 9 of the Consumer Information Act 1978 (No. 1 of 1978).

(2) A word or expression that is used in these Regulations and is also used in the Council Regulation has the same meaning in these Regulations that it has in the Council Regulation.

3. The office of Director of Consumer Affairs is designated as the single liaison office responsible for the application of the Council Regulation.

4. (1) The public authority or public authorities specified in column 4 of the Schedule at a particular reference number are designated as the competent authority or competent authorities under Article 4(1) of the Council Regulation for the enforcement of those laws that protect consumers' interests specified in column 3 of the Schedule at that reference number.

(2) The public authority specified in column 4 of the Schedule at reference number 14 is also designated as the competent authority under Article 4(1) of the Council Regulation for the enforcement of the Council Regulation specified in column 2 of the Schedule at that reference number.

5. (1) Subject to paragraph (2), the competent authorities specified in column 4 of the Schedule shall exercise the powers specified in Article 4(6) of the Council Regulation.

(2) Where a power specified in subparagraph (f) or (g) of Article 4(6) of the Council Regulation is concerned, the competent authority shall apply to the High Court, which is designated to exercise the powers specified in those subparagraphs.

## SCHEDULE

Column 1	Column 2	Column 3	Column 4
Reference Number	European Measure	National Measure	Public Authority
1.	Council Directive 84/450/EEC of 10 September 1984 <sup>2</sup> relating to the approximation of the laws, regulations and administrative provisions of the Member States concerning misleading advertising, as last amended by Directive 97/55/EC of 6 October 1997 <sup>3</sup> of the European Parliament and of the Council	European Communities (Misleading Advertising) Regulations 1988 (S.I. No. 134 of 1988)	Office of Director of Consumer Affairs
2.	Council Directive 85/577/EEC of 20 December 1985 <sup>4</sup> to protect the consumer in respect of contracts negotiated away from business premises	European Communities (Cancellation of Contracts Negotiated away from Business Premises) Regulations 1989 (S.I. No. 224 of 1989)	Office of Director of Consumer Affairs
3.	Council Directive 87/102/EEC of 22 December 1986 <sup>5</sup> for the approximation of the laws, regulations and administrative provisions of the Member States concerning consumer credit, as last amended by Directive 98/7/EC of 16 February 1998 <sup>6</sup> of the European Parliament and of the Council	Consumer Credit Act 1995 (No. 24 of 1995)	Office of the Director of Consumer Affairs  Financial Services Ombudsman  Irish Financial Services Regulatory Authority

<sup>2</sup> OJ No. L 250, 19.9.1984, p.17.

<sup>3</sup> OJ No. L 290, 23.10.1997, p.18.

<sup>4</sup> OJ No. L 372, 31.12.1985, p.31.

<sup>5</sup> OJ No. L 42, 12.2.1987, p. 48.

<sup>6</sup> OJ No. L 101, 1.4.1998, p. 17.

Column 1	Column 2	Column 3	Column 4
Reference Number	European Measure	National Measure	Public Authority
4.	Articles 10 to 21 of Council Directive 89/552/EEC of 3 October 1989 <sup>7</sup> on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the pursuit of television broadcasting activities, as last amended by Directive 97/36/EC of 30 June 1997 <sup>8</sup> of the European Parliament and of the Council	Broadcasting Act 2001 (No. 4 of 2001)	Broadcasting Commission of Ireland  Broadcasting Complaints Commission  Radio Telefis Éireann
5.	Council Directive 90/314/EEC of 13 June 1990 <sup>9</sup> on package travel, package holidays and package tours	Package Holidays and Travel Trade Act 1995 (No. 17 of 1995)	Office of Director of Consumer Affairs
6.	Council Directive 93/13/EC of 5 April 1993 <sup>10</sup> on unfair terms in consumer contracts.	European Communities (Unfair Terms in Consumer Contracts) Regulations 1995 (S.I. No. 27 of 1995)	Office of Director of Consumer Affairs
7.	Directive 94/47/EC of 26 October 1994 <sup>11</sup> of the European Parliament and of the Council on the protection of purchasers in respect of certain aspects of contracts relating to the purchase of the right to use immovable properties on a timeshare basis	European Communities (Contracts for Time Sharing of Immovable Property - Protection of Purchasers) Regulations 1997 (S.I. No. 204 of 1997)	Office of Director of Consumer Affairs

<sup>7</sup> OJ No. L 298, 17.10.1989, p.23.

<sup>8</sup> OJ No. L 202, 30.7.1997, p.60.

<sup>9</sup> OJ No. L 158, 23.6.1990, p.59.

<sup>10</sup> OJ No.L 95, 21.4.1993, p.29.

<sup>11</sup> OJ No. L 280, 29.10.1994, p.83.

Column 1	Column 2	Column 3	Column 4
Reference Number	European Measure	National Measure	Public Authority
8.	Directive 97/7/EC of 20 May 1997 <sup>12</sup> of the European Parliament and of the Council on the protection of consumers in respect of distance contracts, as amended by Directive 2002/65/EC of 23 September 2002 <sup>13</sup>	European Communities (Protection of Consumers in Respect of Contracts Made by Means of Distance Communication) Regulations 2001 (S.I. No. 207 of 2001)	Office of Director of Consumer Affairs
9.	Directive 97/55/EC of 6 October 1997 <sup>14</sup> of the European Parliament and of the Council, amending Directive 84/450/EEC of 10 September 1984 <sup>15</sup> concerning misleading advertising so as to include comparative advertising	European Communities (Misleading Advertising) Regulations 1988 (S.I. No. 134 of 1988)	Office of Director of Consumer Affairs
10.	Directive 98/6/EC of 16 February 1998 <sup>16</sup> of the European Parliament and of the Council on consumer protection in the indication of the prices of products offered to consumers	European Communities (Requirements to Indicate Product Prices) Regulations 2002 (S.I. No. 639 of 2002)	Office of Director of Consumer Affairs
11.	Directive 1999/44/EC of 25 May 1999 <sup>17</sup> of the European Parliament and of the Council on certain aspects of the sale of consumer goods and associated guarantees	European Communities (Certain Aspects of the Sale of Consumer Goods and Associated Guarantees) Regulations 2003 (S.I. No. 11 of 2003)	Office of Director of Consumer Affairs

<sup>12</sup> OJ No. L 144, 4.6.1997, p.19.

<sup>13</sup> OJ No. L 271, 9.10.2002, p.16.

<sup>14</sup> OJ No. L 151, 18.6.1999, p.40.

<sup>15</sup> OJ No. L 250, 19.9.1984, p.17.

<sup>16</sup> OJ No. L 80, 18.3.1998, p.27.

<sup>17</sup> OJ No. L 171, 7.7.1999, p.12.

Column 1	Column 2	Column 3	Column 4
Reference Number	European Measure	National Measure	Public Authority
12.	Directive 2000/31/EC of 8 June 2000 <sup>18</sup> of the European Parliament and of the Council on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market (Directive on electronic commerce)	European Communities (Directive 2000/31/EC) Regulations 2003 (S.I. No. 68 of 2003)	Office of Director of Consumer Affairs
13.	Directive 2002/65/EC of 23 September 2002 <sup>19</sup> of the European Parliament and of the Council concerning the distance marketing of consumer financial services	European Communities (Distance Marketing of Consumer Financial Services) Regulations 2004 (S.I. No. 853 of 2004)	Financial Services Ombudsman  Irish Financial Services Regulatory Authority
14.	Regulation (EC) No. 261/2004 of 11 February 2004 <sup>20</sup> of the European Parliament and of the Council establishing common rules on compensation and assistance to air passengers in the event of denied boarding and of cancellation or long delay of flights	Aviation Regulation Act 2001 (No. 1 of 2001), as amended by the Aviation Act 2006 (No. 7 of 2006)	Commission for Aviation Regulation

<sup>18</sup> OJ No. L 178, 17.7.2000, p.1.

<sup>19</sup> OJ No. L 271, 9.10.2002, p.16.

<sup>20</sup> OJ No. L 46, 17.2.2004, p.1.



L.S.

GIVEN under my Official Seal,

\_\_\_\_\_ 2006.

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Minister for Enterprise, Trade and  
Employment.

## EXPLANATORY NOTE

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

These regulations implement Regulation (EC) No. 2006/2004 of the European Parliament and of the Council of 27 October 2004 on cooperation between national authorities responsible for the enforcement of consumer protection laws. The Council Regulation requires member states to link up national enforcement authorities and enables them to take co-ordinated action against rogue traders who target consumers across EU borders.

The Council regulation removes barriers to information exchange and cooperation and also empowers enforcement authorities to seek and obtain action from their counterparts in other Member States

These regulations designate the Office of the Director of Consumer Affairs as a 'single liaison office' to coordinate information exchange between authorities in Ireland and between EU member states.

These regulations further provide that specified agencies of the State are designated as competent authorities for the purpose of implementing 14 of the Directives listed in the annex to the Council Regulation in regards to cross-border infringements of consumer law.

These regulations further provide that certain powers, as listed in Article 4 of the Council Regulation, are available to the designated competent authorities to facilitate the gathering information and pursuit of investigations into possible breaches of consumer law.