



An Roinn Fiontar,
Turasóireachta agus Fostaíochta
Department of Enterprise,
Tourism and Employment

Public Consultation on proposed changes to the Companies Act 2014 and related legislation

Response Template

Section A: Proposed amendments to the Companies Act 2014

Implications of the proposed changes for information maintained by companies:

Question A1:

Do you have any views on the intended approach relating to the maintenance by companies of address details of relevant officers?

Response:

The recommendation of the Company Law Review Group (CLRG) represents a significant threat to transparency and would create a major impediment to business journalists' ability to report accurately and safely on Irish business affairs.

The ability to correctly identify the directors of Irish companies is a cornerstone of Irish business journalism and rests to a significant extent on access to full details through company filings and through the Companies Register Office (CRO).

The ability to correctly identify individuals who control companies is not something that can be taken for granted – for example it is by no means unusual to have multiple people on a street or in a townland who share a name.

Given Ireland's extremely onerous defamation regime the consequences of mis-identifying an individual in news reporting can be financially ruinous for media outlets, as well as upsetting and possibly damaging to individuals.

The recommendations of the CLRG utterly fail to balance the purported need to shield directors' identities with the common good, including the value of transparency in corporate and business affairs and the fundamental rights of freedom of expression and the public's right to know guaranteed under the European Convention on Human Rights.

While the recommended changes have been made in the context of the EU's 6th Anti-Money Laundering Directive and the judgment of the Court of Justice of the EU in *WM and Sovim SA -v- Luxembourg Business Registers* (2022) it is notable that Ireland's interpretation of that judgement go beyond the current regime in Luxembourg itself, a classic example of regulatory gold plating.

The 6th Anti-Money Laundering Directive, which must be transposed into national law by 10 July 2027, actually sets out the importance of identifying and verifying beneficial owners across entities.

It provides for those with a legitimate interest including journalists to have access to corporate information and information on people who control businesses.

The use by journalists, along with researchers and academics, of the CRO is a public good that contributes directly to the fight against money laundering – as espoused by the Directive – as well as other forms of corporate wrong doing.

As journalists we a legitimate interest in accessing the full suite of CRO data and other beneficial ownership information and that should be unrestricted and not subject to monitoring or gate keeping by officials – such as a requirement to demonstrate a link with the subjects of searches.

In addition any requirement that controllers of the CRO or other registers should disclose to individuals that journalists or other researchers have looked up their personal information creates a potential legal and indeed physical risk to the safety of journalists and other legitimate researchers.

The failure of The Company Law Review Group to consider these issues is alarming particularly given the damage the proposals threaten to inflict on the Irish media's ability to perform core tasks.

As journalists will be significantly hindered in our ability to identify with confidence company directors and secretaries.

In practice it will mean routine reporting becomes much more difficult and some investigative reporting of significant wrong doing will become unviable in the context of Ireland's defamation laws.

The proposed changes create a new risk of unintentional defamation as a result of wrongly identifying someone as a director of a business engaged in wrongdoing – consider the challenge of finding the ‘right’ Denis McCarthy in Bantry, the right Mary O’Donnell in Letterkenny or the correct James Butler in Callan, for example.

As a group representing business journalists we do not accept that the 6th Anti-Money Laundering Directive or the judgment of the Court of Justice of the EU in WM and Sovim SA -v- Luxembourg Business Registers requires such as draconian response from Government as to abolish the requirement that the usual residential addresses of company officers be publicly accessible.

Implications of the proposed changes for filing with the Companies Registration Office:

Question A2:

Do you have any views on the intended approach relating to the filing with, and maintenance by, the Companies Registration Office of address details of relevant officers?

Response: SEE above

Restricted access to the “usual residential address”:

Question A3:

Do you have any views on the proposed list of entities that may be granted access to the “usual residential address” of relevant officers?

Response: Journalists should be included in any list of those with full access to the register, in the event the proposed changes go ahead.

Question A4:

Are there any other comments you wish to make on the proposed approach to dealing with the “usual residential address” of relevant officers?

Response:

Section B: Proposed changes to the Co-operative Societies Bill:

Implications for information retained by a Co-operative Society:

Question B1:

Do you have any views on the intended approach relating to the maintenance by co-operative societies of address details of relevant officers?

Response:

Implications of the proposed changes for information maintained by the Registrar of Co-operative Societies:

Question B2:

Do you have any views on the intended approach relating to the filing with, and maintenance by, the Registrar of Co-operative Societies of address details of relevant officers of co-operative societies?

Response:

Restricted access to the “usual residential address”:

Question B3:

Do you have any views on the proposed list of entities that may be granted access to the “usual residential address” of relevant officers of co-operative societies?

Response:

Question B4:

Are there any other comments you wish to make on the proposed approach to dealing with the “usual residential address” of relevant officers of co-operative societies?

Response:

Section C: Changes to the Registration of Limited Partnerships and Business Names Bill:

Implications for information retained by the LP:

Question C1:

In relation to the implications for Limited Partnerships, do you have any comments on the proposals?

Response:

Implications of the proposed changes for information on LPs maintained by the Registrar of Companies:

Question C2:

Do you have any views on the intended approach relating to the filing with, and maintenance by, the Registrar of Companies of address details of a partner in a Limited Partnership?

Response:

Implications of the proposed changes for information on Register of Business names maintained by the Registrar of Companies:

Question C3:

Do you have any views on the intended approach relating to the filing with, and maintenance by, the Registrar of Companies of address details of a person registering a business name?

Response:

Restricted access to the “usual residential address” for an LP and a registered business name:

Question C4:

Do you have any views on the proposed list of entities that may be granted access to the “usual residential address” of a partner of a Limited Partnership or a registered business name applicant?

Response:

Question C5:

Are there any other comments you wish to make on the proposed approach to dealing with the “usual residential address” of a partner of a Limited Partnership or a registered business name applicant?

Response:

Freedom of Information Act 2014 and Publication of Submissions

Your attention is drawn to the fact that information provided by you in submissions is subject to release by the Department under the Freedom of Information Act 2014. In responding to

this public consultation, all individuals and organisations should clearly indicate where their submission contains personal information, commercially sensitive information, or confidential information which they would not wish to be made publicly available by being published on the Department's website or released by the Department pursuant to the receipt of an FOI Request under the Freedom of Information Act 2014.

General Data Protection Regulation (GDPR) and Data Protection Acts 1988 to 2018

The Department of Enterprise, Tourism and Employment is subject to the provisions of the GDPR and Data Protection Acts 1988 to 2018. In this context, the Department will treat all personal information which you provide in submissions as part of this public consultation process with the highest standards of security in line with our data protection compliance requirements. We would like to draw your attention to the Department's Data Protection Privacy Notice which is available on our website and explains how and when we collect personal data, why we do so and how we treat this information. It also explains your rights in relation to the collection of your personal information and how you can exercise your rights under data protection laws.

November 2025