



STATUTORY INSTRUMENTS.

S.I. No. 256 of 2020



EUROPEAN UNION (PROMOTING FAIRNESS AND TRANSPARENCY
FOR BUSINESS USERS OF ONLINE INTERMEDIATION SERVICES)
REGULATIONS 2020

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I, LEO VARADKAR, Minister for Business, 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 Regulation (EU) 2019/1150 of the European Parliament and of the Council of 20 June 2019¹ on promoting fairness and transparency for business users of online intermediation services, hereby make the following regulations:

Citation and commencement

1. (1) These Regulations may be cited as the European Union (Promoting fairness and transparency for business users of online intermediation services) Regulations 2020.

(2) These Regulations come into operation on 12 July 2020.

Interpretation

2. (1) In these Regulations –

“Act of 2007” means the Consumer Protection Act 2007 (No. 19 of 2007);

“Commission” means the Competition and Consumer Protection Commission;

“Council Regulation” means Regulation (EU) 2019/1150 of the European Parliament and of the Council of 20 June 2019² on promoting fairness and transparency for business users of online intermediation services.

(2) A word or expression that is used in these Regulations and which is also used in the Council Regulation has, unless the context otherwise requires, the same meaning in these Regulations as it has in the Council Regulation.

¹ OJ No. L 186, 11.7.2019, p.57.

² OJ No. L 186, 11.7.2019, p.57.

Designated public body

3. The Commission is designated for the purposes of Articles 14(5)(b) of the Council Regulation.

Offences

4. (1) A provider of an online intermediation services who contravenes Articles 3(1), 3(2), 3(5), 4(1), 4(2), 4(3), 5(1), 5(3) 6, 7(1), 8, 9(1), 9(2), 10(1), 11(1), 11(2), 11(3), 11(4), 12(1), 12(3), 12(4), or 12(6) of the Council Regulation commits an offence.

(2) A provider of an online search engine who contravenes Articles 5(2), 5(3), 5(4) or 7(2) of the Council Regulation commits an offence.

(3) A provider of an online intermediation service 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.

(4) A provider of an online search engine who commits an offence under paragraph (2) shall be liable on summary conviction to a class A fine or to imprisonment for a term not exceeding 12 months, or to both.

(5) Sections 77, 78, 80 and 84 of the Act of 2007 shall apply to an offence under these Regulations as they apply to an offence under that Act and, accordingly, references in those sections to an offence under that Act shall be construed as including references to an offence under these Regulations.

Register

5. The Commission shall establish and maintain a register of unlawful acts in accordance with Article 14(2) of the Council Regulation that have been the subject of an order before the Circuit Court or the High Court under section 71 of the Act of 2007.

Amendment of Act of 2007

6. The Act of 2007 is amended -

(a) in section 67, by the insertion of the following paragraph after paragraph (m) (inserted by Regulation 3 of the European Union (Payment Services) (Amendment) Regulations 2019 (S.I. No. 255 of 2019):

“(n) any contravention of the European Union (Promoting fairness and transparency for business users of online intermediation services) Regulations 2020 (S.I. No. xxx of 2020),” and

(b) in Schedule 5, by the insertion -

(i) in Column (1), of the following: “S.I. No. xxx of 2020”, and

- (ii) in Column (2), of the following: “the European Union (Promoting fairness and transparency for business users of online intermediation services) Regulations 2020”.

Construction of References

7. (1) Section 75 of the Act of 2007 shall apply for the purposes of these Regulations subject to the modification that references to a prohibited act or practice shall be construed as a reference to a contravention of these Regulations.

(2) Section 87 of the Act of 2007 shall apply for the purposes of these Regulations subject to the modification that references to the relevant statutory provisions shall be construed as a reference to these Regulations.

(3) Sections 10(1), 24, 35 and 36 of the Competition and Consumer Protection Act 2014 (No. 29 of 2014) shall apply for the purposes of these Regulations subject to the modification that references to the relevant statutory provisions shall be construed as a reference to these Regulations.



GIVEN under my Official Seal,
21 July, 2020.

LEO VARADKAR,
Minister of Business, Enterprise and Innovation.

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