



STATUTORY INSTRUMENTS.

S.I. No. 583 of 2023

EUROPEAN UNION (ELECTRONIC COMMUNICATIONS CODE)
(PUBLIC WARNING SYSTEM) REGULATIONS 2023

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I, EAMON RYAN, Minister for the Environment, Climate and Communications, 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 Article 110 of Directive (EU) 2018/1972 of the European Parliament and of the Council of 11 December 2018 establishing the European Electronic Communications Code (Recast)¹ hereby make the following regulations:

1. These Regulations may be cited as the European Union (Electronic Communications Code) (Public Warning System) Regulations 2023.

2. The European Union (Electronic Communications Code) Regulations 2022 (S.I. No. 444 of 2022) are amended –

(a) by the insertion of the following Regulation after Regulation 93:

“Public Warning System”

93A. (1) The Minister may direct a provider of publicly available mobile number-based interpersonal communications services to transmit a public warning to end-users of its service, for and on behalf of the Government, in the event of an imminent or developing major emergency or disaster.

(2) A provider shall immediately comply with a direction under paragraph (1).

(3) A direction under paragraph (1) shall include the public warning and the manner in which it shall be transmitted.

(4) A provider shall have regard to any guidance issued by the Minister in relation to a direction under paragraph (1).

(5) A transmission by a provider pursuant to a direction under paragraph (1) shall be free of charge to end-users of its service.

(6) A provider that fails to comply with a direction under paragraph (1) commits an offence.

(7) In proceedings for an offence under paragraph (6), it shall be a defence for a provider against which such proceedings are brought to prove that it took all reasonable steps to ensure compliance with the direction.”, and

(b) in Regulation 108, by the substitution of “90(9), 93A(6)” for “90(9)”.

¹ OJ L 321, 17.12.2018, p. 36.



GIVEN under my Official Seal,
29 November, 2023.

EAMON RYAN,
Minister for the Environment, Climate and
Communications.

EXPLANATORY NOTE

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

These Regulations amend the European Union (Electronic Communications Code) Regulations 2022 (S.I. No. 444 of 2022) to give effect to Article 110 of Directive (EU) 2018/1972 of the European Parliament and of the Council of 11 December 2018.

The Regulations provide for the transmission of public warnings through publicly available mobile number-based interpersonal communications services in the event of an imminent or developing major emergency or disaster.

The Commission for Communications Regulation will be the national regulatory authority for the purposes of enforcing these Regulations.

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