



STATUTORY INSTRUMENTS.

S.I. No. 300 of 2023

EUROPEAN UNION (ELECTRONIC COMMUNICATIONS CODE)
(AMENDMENT) 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 further effect to Directive (EU) 2018/1972 of the European Parliament and of the Council of 11 December 2018¹, hereby make the following regulations:

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

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

- (a) in Regulation 1, by substituting for paragraph (2) the following:

“(2) These Regulations come into operation on 9 June 2023.”,
- (b) in Regulation 2(1), by deleting the definition of “hybrid offence”,
- (c) in Regulations 6(8), 8(7), 9(6), 10(5), 13(4), 41(7), 41(8), 51(6), 52(4), 53(5), 54(3), 55(7), 56(9), 57(5), 59(7), 61(15), 79(4), 89(2), 89(5)(c), 89(6), 89(8)(b), 89(14)(d), 90(1), 90(3), 90(6), 90(7), 90(8)(d), 90(9) and 100(15), by substituting “an offence” for “a hybrid offence”,
- (d) in Regulation 107(3), by substituting “(other than an offence referred to in paragraph (2) or Regulation 108)” for “(other than a hybrid offence or an offence referred to in paragraph (2))”,
- (e) in Regulation 108, by substituting:

“Penalties

108. A person who commits an offence under Regulation 6(8), 8(7), 9(6), 10(5), 13(4), 41(7), 41(8), 51(6), 52(4), 53(5), 54(3), 55(7), 56(9), 57(5), 59(7), 61(15), 79(4), 89(2), 89(5)(c), 89(6), 89(8)(b), 89(14)(d), 90(1), 90(3), 90(6), 90(7), 90(8)(d), 90(9) or 100(15) is liable -”,

for

“Hybrid penalties

108. A person who commits a hybrid offence under these Regulations is liable -”,

and

¹ OJ L 321, 17.12.2018, p.36-214.

(f) by inserting after Regulation 113 the following:

“Transitional provision where Regulator has notified proposed withdrawal of authorisation or suspension or withdrawal of rights”

114. (1) Where the Regulator has notified an undertaking that it proposes to take action under Regulation 17(1) of the Authorisation Regulations then, notwithstanding Regulation 116, the Framework Regulations, the Access Regulations, the Authorisation Regulations (including Regulation 17(3) of those Regulations) and the Universal Service Regulations shall continue to apply in respect of the action proposed.

(2) Where the Regulator has applied to the High Court under Regulation 17(3) of the Authorisation Regulations then, notwithstanding Regulation 116 the Framework Regulations, the Access Regulations, the Authorisation Regulations and the Universal Service Regulations shall continue to apply in respect of such application.

Transitional provision where certain applications have been made

115. Where, on the coming into operation of Regulation 116, an application had been made under -

- (a) Regulation 37(4) of the Framework Regulations by the Regulator,
- (b) Regulation 19(4) of the Access Regulations by the Regulator,
- (c) Regulation 16(6) of the Authorisation Regulations by the Regulator, or
- (d) Regulation 31(5) of the Universal Service Regulations by the Regulator,

then, notwithstanding Regulation 116, the Framework Regulations, the Access Regulations, the Authorisation Regulations and the Universal Service Regulations shall continue to apply in respect of such application.

Revocations

116. The following are revoked:

- (a) the European Communities (Electronic Communications Networks and Services) (Framework) Regulations 2011 (S.I. No. 333 of 2011);
- (b) the European Communities (Electronic Communications Networks and Services) (Access) Regulations 2011 (S.I. No. 334 of 2011);

- (c) the European Communities (Electronic Communications Networks and Services) (Authorisation) Regulations 2011 (S.I. No. 335 of 2011);
- (d) the European Communities (Electronic Communications Networks and Services) (Universal Service and Users' Rights) Regulations 2011 (S.I. No. 337 of 2011).".

3. Section 17 of the Communications Regulation and Digital Hub Development Agency (Amendment) Act 2023 (No. 4 of 2023) is amended -

- (a) in subsection (1)(a), by substituting "this Part, Part 4 or Part 5" for "this Part or Part 4", and
- (b) in subsection (3)(a), by substituting "this Part, Part 4 or Part 5" for "this Part or Part 4".



GIVEN under my Official Seal,
6 June, 2023.

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

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