



STATUTORY INSTRUMENTS.

S.I. No. 236 of 2020

EUROPEAN UNION (RIGHTS OF PASSENGERS WHEN TRAVELLING
BY SEA AND INLAND WATERWAY) (AMENDMENT) REGULATIONS
2020

**EUROPEAN UNION (RIGHTS OF PASSENGERS WHEN TRAVELLING BY SEA AND INLAND WATERWAY) (AMENDMENT) REGULATIONS
2020**

The Minister for Transport, Tourism and Sport, in exercise of the powers conferred on him by section 3 of the European Communities Act 1972 (No. 27 of 1972) and for the purpose of giving effect to Regulation (EU) 2017/2394¹ of the European Parliament and of the Council of 12 December 2017 on cooperation between national authorities responsible for the enforcement of consumer protection laws and repealing Regulation (EC) No 2006/2004², in so far as Regulation (EU) 2017/2394 relates to Regulation (EU) No. 1177/2010³ concerning the rights of passengers when travelling by sea and inland waterway and amending Regulation (EC) No 2006/2004, hereby makes the following regulations:

Citation

1. These Regulations may be cited as the European Union (Rights of Passengers when Travelling by Sea and Inland Waterway) (Amendment) Regulations 2020.
2. The European Union (Rights of Passengers when Travelling by Sea and Inland Waterway) Regulations 2012 (S.I. No. 394 of 2012) are amended:
 - (a) in Regulation 2, by the insertion of the following definition:

“‘Council Regulation’ means Regulation (EU) 2017/2394⁴ of the European Parliament and of the Council of 12 December 2017 on cooperation between national authorities responsible for the enforcement of consumer protection laws and repealing Regulation (EC) No 2006/2004;”;
 - (b) by the substitution of the following for Regulation 3:
 - (1) The Authority is designated as the body responsible for enforcement of the EU Regulation in the State which, accordingly, is a function of the Authority under the Dublin Transport Authority Act 2008 (No. 15 of 2008) and, accordingly, references in sections 78 and 79 of that Act to a public transport authority or operator shall be read as including references to a provider.
 - (2) The Authority is designated responsibility for the enforcement of the Council Regulation, in so far as that Regulation relates to the rights of passengers

¹ OJ No. L345, 27.12.2017, p.1

² OJ No. L364, 9.12.2004, p.1

³ OJ No. L334, 17.12.2010, p.1

⁴ OJ No. L345, 27.12.2017, p.1

travelling by sea and inland waterway, which, accordingly, is a function of the Authority under the Dublin Transport Authority Act 2008 and, accordingly, references in sections 78 and 79 of that Act to a public transport authority or operator shall be construed as including references to a trader.

- (3) For the purposes of investigations relating to the Council Regulation, the Authority shall have the investigation powers referred to in Article 9(3)(c) and (d) of the Council Regulation.
- (4) For the purpose of enforcement of the Council Regulation, the Authority shall have the enforcement powers referred to in Article 9(4)(a) to (f) of the Council Regulation.
- (5) The Authority may publish any final decision, trader's commitments or orders adopted pursuant to the Council Regulation in accordance with Article 9(7) of the Council Regulation.
- (6) The powers referred to in paragraphs (3), (4) and (5) shall be exercised by the Authority in accordance with Article 10 of the Council Regulation.”.
- (c) by the insertion of the following after Regulation 4(2):
 - “(2A) For the purposes of Article 9(4)(h) of the Council Regulation and the powers of enforcement conferred on the Authority under Regulation 3(4), a person who fails to comply with a decision, order, interim measure, trader's commitment or other measure specified in Article -
 - (a) 9(4)(a),
 - (b) 9(4)(b),
 - (c) 9(4)(c),
 - (d) 9(4)(d),
 - (e) 9(4)(e), or
 - (f) 9(4)(f)
 of the Council Regulation, shall be guilty of an offence.
- (2B) Where a person commits an intra-Union infringement, a widespread infringement or a widespread infringement with a Union dimension relating to these Regulations for which the Authority is designated as the competent authority under Article 5(1) of the Council Regulation, he or she commits an offence.”.
- (d) by the insertion of the following after Regulation 4:
 - “4A (1) A person who commits an offence under Regulation 4(2A) shall be liable on summary conviction to a

class A fine or to imprisonment for a term not exceeding 12 months, or to both.

- (2) Where a person commits an offence under Regulation 4(3) and the offence concerned also constitutes an offence under Regulation 4(2B), the penalty in respect of the 2nd mentioned offence shall be the penalty specified in Regulation 4(3).”, and
- (e) in Regulation 7, by the insertion of “or Regulation 4A” after “Regulation 4”



GIVEN under the Official Seal of the Minister for Transport, Tourism and Sport,
27 June, 2020.

SHANE ROSS,
Minister for Transport, Tourism and Sport.

EXPLANATORY NOTE

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

These Regulations amend the European Union (Rights of Passengers when Travelling by Sea and Inland Waterway) Regulations 2012 (SI 394 of 2012). The purpose of these Regulations is to give effect to Regulation (EU) 2017/2394 of the European Parliament and of the Council of 12 December 2017 on cooperation between national authorities responsible for the enforcement of consumer protection laws and repealing Regulation (EC) No 2006/2004, in so far as Regulation (EU) 2017/2394 relates to Regulation (EU) No. 1177/2010 concerning the rights of passengers when travelling by sea and inland waterway and amending Regulation (EC) No 2006/2004. These Regulations provide the National Transport Authority (NTA) with the investigation and enforcement powers required under Article 9 of Regulation (EU) 2017/2394.

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