

European Communities (Amendment of S.I. No. 68 of 2003) Regulations 2004
(S.I. No. 490 of 2004)

Background note

European Communities (Directive 2000/31/EC) Regulations 2003 bring into effect provisions of the EU's Electronic Commerce Directive. The Regulations provide for the free movement of Information Society services within the European Economic Area. These are essentially services (as distinct from products) provided 'on-line' between one Member State and another.

The basic provision of the Regulations is that service providers who comply with the rules and regulations of their own Member State do not have to comply with the rules and regulations, for that service, laid down by any other Member State to which they might be supplying the service.

The amendment of S.I. No. 68 of 2003 was made on foot of a request from the Director of Consumer Affairs who is responsible for enforcing certain aspects of the Regulations. The effect of the amendment is merely to change the manner in which officers working in the Office of the Director of Consumer Affairs are referred to in Regulation 21 of the existing Regulations. The reason for this is that the Director has received legal advice to the effect that because the staff working in her office are officers of the Minister, rather than officers of the Director, the purported appointment of authorised officers on foot of Regulation 21(2) would be subject to doubt and could therefore call into question any investigations or prosecutions in respect of the offences created by Regulations 7,8,13 and 14.