



STATUTORY INSTRUMENTS.

S.I. No. 292 of 2016

EUROPEAN UNION (INTERCHANGE FEES FOR CARD-BASED
PAYMENT TRANSACTIONS) (AMENDMENT) REGULATIONS 2016

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PAYMENT TRANSACTIONS) (AMENDMENT) REGULATIONS 2016

I, MICHAEL NOONAN, Minister for Finance, 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 full effect to Regulation (EU) No. 751/2015 of the European Parliament and of the Council of 29 April 2015¹, hereby make the following regulations:

Citation and commencement

1. (1) These Regulations may be cited as the European Union (Interchange Fees for Card-based Payment Transactions) (Amendment) Regulations 2016.

(2) These Regulations shall come into operation on 9 June 2016.

Definition

2. In these Regulations, “Principal Regulations” means the European Union (Interchange Fees for Card-based Payment Transactions) Regulations 2015 (S.I. No. 550 of 2015).

Amendment of Regulation 2 of the Principal Regulations

3. Regulation 2(1) of the Principal Regulations is amended—

(a) in the definition of “microenterprise”, by substituting “paragraph (2);” for “paragraph (2).”, and

(b) by inserting the following after the definition of “microenterprise”:

“ ‘trader’ means—

(a) a person who is acting for purposes related to the person’s trade, business or profession, and

(b) a person acting on behalf of a person referred to in paragraph (a) of this definition.”.

Amendment of Regulation 6 of the Principal Regulations

4. The Principal Regulations are amended by substituting the following for Regulation 6:

Competent authority for purposes of Interchange Regulation and these Regulations

“6. (1) Subject to paragraph (2), the Bank is the competent authority in the State for the purposes of the Interchange Regulation and these Regulations.

¹OJ L 123, 19.05.2015, p.1

*Notice of the making of this Statutory Instrument was published in
“Iris Oifigiúil” of 10th June, 2016.*

(2) As respects each of the following cases, namely—

- (a) a case under the second sentence of Article 8(6) of the Interchange Regulation where the payee is a trader and a payer is a consumer, and
- (b) a case under Article 10(4) of that Regulation where the payee is a trader and the payer is a consumer,

the Competition and Consumer Protection Commission is the competent authority in the State—

- (i) for the purposes of the Interchange Regulation, and
- (ii) for the purposes of these Regulations

so far as it relates (or they relate) to the second sentence of that Article 8(6) or to that Article 10(4).

(3) Save as provided for in paragraph (4), the Bank shall monitor compliance with the Interchange Regulation effectively and take all necessary measures to ensure compliance.

(4) As respects each of the cases specified in paragraph (2)(a) and (b), the Competition and Consumer Protection Commission shall monitor compliance with the second sentence of Article 8(6) or with Article 10(4), as the case may be, of the Interchange Regulation effectively and take all necessary measures to ensure compliance.”.

Amendment of section 2 of Consumer Protection Act 2007

5. Section 2(1) of the Consumer Protection Act 2007 (No. 19 of 2007) is amended in the definition of “relevant statutory provisions” (as lastly amended by the European Union (Requirements for Credit Transfers and Direct Debits in Euro) (Amendment) Regulations 2016 (S.I. No. 204 of 2016))—

- (a) in paragraph (k) by substituting “(S.I. No. 484 of 2013),” for “(S.I. No. 484 of 2013), and”,
- (b) in paragraph (l) by substituting “(S.I. No. 250 of 2014), and” for “(S.I. No. 250 of 2014);”,
- (c) by inserting the following after paragraph (l):

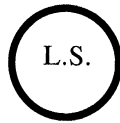
“(m) the European Union (Interchange Fees for Card-based Payment Transactions) Regulations 2015 (S.I. No. 550 of 2015);”.

Amendment of section 67 of Consumer Protection Act 2007

6. Section 67 of the Consumer Protection Act 2007 is amended by inserting the following after paragraph (j) (inserted by Regulation 9 of the European

Union (Requirements for Credit Transfers and Direct Debits in Euro) (Amendment) Regulations 2016 (S.I. No. 204 of 2016)):

“(k) any contravention of the second sentence of Article 8(6) or of Article 10(4) of Regulation (EU) No. 751/2015 of the European Parliament and of the Council of 29 April 2015¹ by a payee where the payee is a trader and the payer is a consumer,”.



GIVEN under my Official Seal,
7 June 2016.

MICHAEL NOONAN,
Minister for Finance.

EXPLANATORY NOTE

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

This statutory instrument amends the European Union (Interchange Fees for Card-based Payment Transactions) Regulations 2015 (S.I. No. 550 of 2015). The purpose of these amendments is to designate the Competition and Consumer Protection Commission as a competent authority in respect of any contravention of the second sentence of Article 8(6) or of Article 10(4) of Regulation (EU) No. 751/2015 of the European Parliament and of the Council of 29 April 2015 by a payee where the payee is a trader and the payer is a consumer.

BAILE ÁTHA CLIATH
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR
Le ceannach díreach ó
FOILSEACHÁIN RIALTAIS,
52 FAICHE STIABHNA, BAILE ÁTHA CLIATH 2
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