



STATUTORY INSTRUMENTS.

S.I. No. 194 of 2024



EUROPEAN COMMUNITIES (REPORTING OF NATIONAL ENERGY
STATISTICS) REGULATIONS 2024

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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) (as amended by section 2 of the European Communities Act 2007 (No. 18 of 2007) and for the purpose of giving further effect to Regulation (EC) No 1099/2008 of the European Parliament and of the Council of 22 October 2008¹, hereby make the following regulations:

PART 1

Preliminary and General

Citation

1. These Regulations may be cited as the European Communities (Reporting of Energy Statistics) Regulations 2024.

Interpretation

2. (1) In these Regulations—

“Authority” means the Sustainable Energy Authority of Ireland;

“competent authority” means a body established by or under statute or a Department of State which collects, compiles, analyses or otherwise for any purpose uses data concerning energy products and their aggregates;

“data” means the data to be provided to the Authority for the purpose of compliance with Regulation 3;

“national energy statistics” means the statistical data concerning energy products and their aggregates, as set out in the Annexes B, C and D to the Regulation of 2008, which are required to be reported by the Authority to the Commission (Eurostat) pursuant to the Regulation of 2008;

“Regulation of 2008” means Regulation (EC) No 1099/2008 of the European Parliament and of the Council of 22 October 2008 on energy statistics;

“undertaking” means—

- (a) A producer or trader of primary or transformed energy;
- (b) A distributor or transporter including importers or exporters, of energy products; or
- (c) final energy users.

¹ OJ L 304, 14.11.2008, p. 1

(2) A word or expression that is used in these Regulations and is also used in the Regulation of 2008 has, unless the context otherwise requires, the same meaning in these Regulations as it has in the Regulation of 2008.

PART 2

Provision of data to the Authority concerning energy products and their aggregates

Obligations on undertakings to provide data to the Authority

3. (1) Undertakings shall provide data concerning energy products and their aggregates to the Authority to enable the Authority to carry out its functions under Part 3 of these Regulations.

(2) Undertakings shall provide the data to the Authority as and when required by the Authority.

(3) The Authority may issue written instructions to undertakings regarding the form and content of data to be provided and the methodologies to be applied.

(4) Undertakings shall comply to the satisfaction of the Authority with all reasonable instructions issued by the Authority, under paragraph (3), regarding the data to be provided.

Provision of information by competent authority to the Authority

4. A competent authority shall, on the request of the Authority, provide the Authority with such data that the competent authority has collected, compiled, analysed or otherwise for any purpose used concerning energy products and their aggregates to enable the Authority to carry out its functions under Part 3 of these Regulations.

PART 3

Authority's reporting obligations to the Commission (Eurostat)

Obligations on the Authority to provide the national energy statistics to the Commission (Eurostat)

5. (1) The Authority shall provide the national energy statistics, in such form and method as may be specified by the Commission (Eurostat), and as and when required by the Commission (Eurostat) pursuant to the reporting timelines set out in Annexes B, C and D to the Regulation of 2008.

(2) Every five years, the Authority shall provide the Commission (Eurostat) with a report on the quality of the data transmitted as well as on any methodological changes that have been made.

(3) Within six months of receipt of a request from the Commission (Eurostat), and in order to allow it to assess the quality of the data transmitted, the Authority shall send to the Commission (Eurostat) a report containing any relevant information concerning the implementation of the Regulation of 2008.

PART 4
Directions

Directions

6. (1) Where, in the opinion of the Authority, an undertaking or a competent authority has not complied, or is not complying, satisfactorily with the requirements of Regulation 3 or Regulation 4, as applicable, the Authority may issue a direction to that undertaking or competent authority to comply with either Regulation 3 or Regulation 4 as applicable.

(2) A direction issued by the Authority under paragraph (1) shall—

- (a) state that the Authority is of the opinion referred to in paragraph (1),
- (b) state the reason for that opinion,
- (c) be served in accordance with Regulation 7,
- (d) direct the undertaking or the competent authority to remedy the non-compliance with Regulation 3 or Regulation 4 as applicable not later than a date specified in that direction,
- (e) include such matters (if any) as the Authority considers appropriate, and
- (f) advise the undertaking or competent authority of its right of appeal pursuant to paragraph (4).

(3) An undertaking or competent authority that is of the opinion that Regulation 3 or Regulation 4 as applicable has been complied with may make written representations to the Authority within a period of 21 days beginning on the day the direction is served on it and the Authority shall upon receiving such representations consider them and reply not later than 21 days after receipt.

(4) An undertaking or competent authority that is aggrieved by a direction may—

- (a) where no representations are made under paragraph (3), within the period of 21 days beginning on the day on which the direction is given to it, or
- (b) where representations are made under paragraph (3), within the period of 21 days beginning on the day on which the Authority's reply is given to it,

appeal against the direction to a judge of the District Court in the District Court district in which the direction was served and, in determining the appeal, the judge may make any order he or she considers appropriate, including confirming the direction, with or without modification, or cancelling the direction.

(5) The bringing of an appeal against a direction under paragraph (4) shall not have the effect of suspending the operation of the direction, but the appellant may apply to the court to have the operation of the direction suspended until the appeal is disposed of and, on such application, the court

may, if it thinks proper to do so, direct that the operation of the direction be suspended until the appeal is disposed of.

- (6) An undertaking or competent authority which—
 - (a) brings an appeal under paragraph (4), or
 - (b) applies for the suspension of the operation of a direction under paragraph (5),

shall at the same time notify the Authority in writing of the appeal or application, and the grounds for the appeal or application.

(7) Where an undertaking or competent authority fails to comply in full with a direction within the period specified by the Authority, or fails to cooperate with the Authority with regard to the direction, the Authority may apply to the High Court for an order directing the undertaking or competent authority to comply with the direction or to cooperate.

(8) Where, on application by the Authority to the High Court, the court is satisfied that an undertaking or competent authority has failed to comply in full with a direction or a requirement of these Regulations, the court may by order—

- (a) direct the undertaking or competent authority to comply with the direction of the Authority, and
- (b) make such other provision, including provision in relation to the payment of costs, as the court considers appropriate.

(9) An application for an order under this Regulation shall be by motion, and the High Court, when considering the matter, may make such interim or interlocutory order as it considers appropriate.

Service of Directions

7. (1) Where a direction is issued by the Authority under Regulation 5, the direction shall be addressed to the undertaking or competent authority concerned and shall be sent or given to the undertaking or competent authority—

- (a) by delivering it to the undertaking or competent authority,
- (b) by leaving it at the address at which the undertaking or competent authority carries on business,
- (c) by sending it by pre-paid registered post addressed to the undertaking or competent authority at the address at which the undertaking or competent authority carries on its business,
- (d) if an address for the service of a direction has been furnished by the undertaking or competent authority to the Authority, by leaving it at, or sending it by pre-paid registered post addressed to the undertaking or competent authority, to that address, or
- (e) by sending it by means of electronic mail to a device or facility for the reception of electronic mail where such an electronic mail address has been furnished by the undertaking or

competent authority, but only if the sender's facility for the reception of electronic mail generates a message confirming a receipt of the electronic mail confirming successful transmission of the notification, notice or document.

(2) A copy of a direction, which has endorsed on it a certificate purporting to be signed by an officer of the Authority authorised in that behalf by the Authority stating that the copy is a true copy of the direction or reply may, without proof of signature of that person, be produced in every court and in all legal proceedings and is evidence, unless the contrary is shown, of the direction or reply.



GIVEN under my Official Seal,
30 April, 2024.

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 are for the purpose of providing the Sustainable Energy Authority of Ireland the necessary legal basis for carrying out functions assigned to it under Regulation (EC) No 1099/2008 of the European Parliament and of the Council of 22 October 2008 on energy statistics.

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