



STATUTORY INSTRUMENTS.

S.I. No. 195 of 2024



EUROPEAN UNION (REPORTING OF ELECTRICITY AND NATURAL
GAS PRICES) REGULATIONS 2024

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CONTENTS

PART 1

Preliminary and General

1. Citation
2. Interpretation

PART 2

Suppliers' data

3. Obligations on suppliers to provide data to the Authority
4. Provision of information by competent authority to the Authority

PART 3

Designation of Sustainable Energy Authority of Ireland as competent authority
and reporting obligations to Eurostat

5. Obligations on the Authority to provide Data to Eurostat
6. Quality Assurance

PART 4

Directions

7. Directions
8. Service of Directions

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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 (EU) 2016/1952 of the European Parliament and of the Council of 26 October 2016¹, hereby make the following regulations:

PART 1

Preliminary and General

Citation

1. These Regulations may be cited as the European Union (Reporting of Electricity and Natural Gas Prices) Regulations 2024.

Interpretation

2. (1) In these Regulations—

“Act of 1999” means the Electricity Regulation Act 1999 (No. 23 of 1999);

“Act of 2002” means the Gas (Interim)(Regulation) Act 2002 (No. 10 of 2002);

“Authority” means the Sustainable Energy Authority of Ireland;

“data” means the data to be provided to the Authority under Regulation 3;

“Commission (Eurostat)” means the Statistical Office of the European Union;

“competent authority” means a body established by or under statute or a Department of State which compiles data on natural gas and electricity prices, including, but not limited to, their components and sub-components concerning network costs, taxes, fees, levies and charges, and on consumption volumes;

“reference period” means—

(a) annual (for the period from January to December) for data referred to in points 6(a) and 7 of Annex I and points 5(a) and 6 of Annex II to the Regulation of 2016, and

(b) biannual (for the periods from January to June and from July to December) for data referred to in point 6(b) of Annex I and point 5(b) of Annex II of the Regulation of 2016;

“Regulation of 2016” means Regulation (EU) 2016/1952 of the European Parliament and of the Council of 26 October 2016 on European statistics on natural gas and electricity prices and repealing Directive 2008/92/EC;

¹ OJ L 311, 17.11.2016, p. 1

“supplier” means—

- (a) in relation to electricity, the holder of a licence under section 14(1)(b) or (h) of the Act of 1999, and
- (b) in relation to natural gas, the holder of a licence under section 16(1)(a) of the Act of 2002;

(2) A word or expression that is used in these Regulations and is also used in the Regulation of 2016 has, unless the context otherwise requires, the same meaning in these Regulations as it has in the Regulation of 2016.

PART 2

Suppliers’ data

Obligations on suppliers to provide data to the Authority

3. (1) Electricity and natural gas suppliers shall provide data, regarding electricity and natural gas prices charged to their household and final non-household customers, to the Authority to enable the Authority to carry out its functions under Part [3] of these Regulations.

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

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

(4) Suppliers shall comply to the satisfaction of the Authority with all reasonable instructions issued by the Authority, under paragraph (4), 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 compiled on natural gas and electricity prices, including, but not limited to, their components and sub-components concerning network costs, taxes, fees, levies and charges, and on consumption volumes to enable the Authority to carry out its functions under Part 3 of these Regulations.

PART 3

Authority’s reporting obligations to Eurostat

Obligations on the Authority to provide Data to Eurostat

5. (1) The Authority shall provide the data, in such form as may be specified by the Commission (Eurostat), and within three months of the end of the relevant reference period.

Quality Assurance

6. Every three years, the Authority shall provide the Commission (Eurostat) with a standard quality report on the data in accordance with the quality criteria laid down in Article 12(1) of Regulation (EC) No 223/2009². Those reports shall include information on the scope and collection of the data, the calculation criteria, the methodology and data sources used, and any changes thereto.

*PART 4***Directions***Directions*

7. (1) Where, in the opinion of the Authority, a supplier or 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 a supplier or competent authority to comply with that Regulation.

(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 supplier or competent authority to remedy the non-compliance with Regulation 3 not later than a date specified in that direction,
- (e) include such matters (if any) as the Authority considers appropriate, and
- (f) advise the supplier or competent authority of its right of appeal pursuant to paragraph (4).

(3) A supplier 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) A supplier or competent authority that is aggrieved by a direction may—

² Regulation (EC) No 223/2009 of the European Parliament and of the Council of 11 March 2009 on European statistics and repealing Regulation (EC, Euratom) No 1101/2008 of the European Parliament and of the Council on the transmission of data subject to statistical confidentiality to the Statistical Office of the European Communities, Council Regulation (EC) No 322/97 on Community Statistics, and Council Decision 89/382/EEC, Euratom establishing a Committee on the Statistical Programmes of the European Communities (OJ L87/164, 31.3.2009, p. 164)

- (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 notice be suspended until the appeal is disposed of.

(6) A supplier 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 a supplier 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 supplier 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 a supplier 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 supplier 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

8. (1) Where a direction is issued by the Authority under Regulation 6, the direction shall be addressed to the supplier or competent authority concerned and shall be sent or given to the supplier or competent authority —

- (a) by delivering it to the supplier or competent authority,
- (b) by leaving it at the address at which the supplier or competent authority carries on business,
- (c) by sending it by pre-paid registered post addressed to the supplier or competent authority at the address at which the supplier or competent authority carries on its business,
- (d) if an address for the service of a direction has been furnished by the supplier or competent authority to the Authority, by leaving it at, or sending it by pre-paid registered post addressed to the supplier 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 supplier 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 (EU) No 2016/1952 of the European Parliament and of the Council of 22 October 2016 on European statistics on natural gas and electricity prices and repealing Directive 2008/92/EC.

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