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**An Bille um Chaingne Ionadaíocha chun Comhleasanna  
Tomhaltóirí a Chosaint, 2023**  
**Representative Actions for the Protection of the  
Collective Interests of Consumers Bill 2023**

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*Meabhrán Míniúcháin*  
*Explanatory Memorandum*

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**AN BILLE UM CHAINGNE IONADAÍOCHA CHUN  
COMHLEASANNA TOMHALTÓIRÍ A CHOSAINT, 2023  
REPRESENTATIVE ACTIONS FOR THE PROTECTION OF  
THE COLLECTIVE INTERESTS OF CONSUMERS BILL 2023**

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**EXPLANATORY MEMORANDUM**

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**Purpose of the Bill**

The purpose of the Bill is to transpose Directive (EU) 2020/1828 of the European Parliament and of the Council of 25 November 2020 on representative actions for the protection of the collective interests of consumers and repealing Directive 2009/22/EC; and to provide for related matters.

**Provisions of the Bill**

**PART 1**

**Preliminary and General**

*Section 1: Short title and commencement*

provides for the short title of the Bill and commencement.

*Section 2: Interpretation*

contains interpretation for certain terms used in the Bill.

*Section 3: Regulations*

sets out the regulation making powers of the Minister.

*Section 4: Service of documents*

deals with the service of documents.

*Section 5: Application*

sets out the scope and application of the Bill.

*Section 6: Revocation*

provides for the repeal of European Communities (Court Orders for the Protection of Consumer Interests) Regulations 2010 (S.I. No. 555 of 2010).

*Section 7: Expenses*

deals with expenses incurred by the Minister in the context of the Bill.

**PART 2**

**Qualified Entities**

*Section 8: Designation of qualified entities*

sets out the criteria which an entity seeking to be designated as a qualified entity must satisfy and how the designation process will be conducted by the Minister.

*Section 9: Refusal of designation*

sets out the mechanism whereby the Minister may inform an entity of his decision to refuse designation.

*Section 10: Directions notice*

permits the Minister to issue a directions notice to direct the qualified entity to return to compliance with any relevant provision of the Bill and thereby avoid revocation of designation.

*Section 11: Revocation of designation*

sets out the mechanism for revoking designation as a qualified entity.

*Section 12: Representations*

permits an entity or qualified entity, as the case may be, make representations following notification of the Minister's intention to refuse designation or revoke designation.

*Section 13: Review of designation*

sets out the circumstances in which the Minister may undertake a review of a qualified entity's designation.

*Section 14: Review of refusal of designation or revocation of designation*

provides for a review mechanism for entities whose application for designation has been refused by the Minister or where a qualified entity's designation as a qualified entity has been revoked.

*Section 15: Request by Minister for information*

provides for a mechanism whereby the Minister can request a qualified entity to provide information to assess continued compliance with designating criteria.

*Section 16: Register*

requires the Minister to establish and maintain a register of qualified entities in Ireland.

*Section 17: National contact point*

designates the Minister as the national contact point for the purposes of the Directive in Ireland.

*Section 18: Information to be provided by qualified entities*

specifies information which a qualified entity must make publicly available on its website.

### **PART 3**

#### **Representative Actions**

*Section 19: Representative action brought by qualified entity*

specifies that only a qualified entity designated in Ireland, or another EU Member State, may bring a representative action before the High Court.

*Section 20: More than one qualified entity may bring a representative action*

provides for the situation where multiple qualified entities are involved in bringing the same representative action.

*Section 21: Consultations with trader*

specifies that a qualified entity must first attempt to engage in consultations with a trader before seeking an injunction against that trader.

*Section 22: Alternative dispute resolution*

states that a qualified entity may engage with an ADR entity in seeking to commence consultations with a trader.

*Section 23: Injunctions*

sets out the mechanism by which the High Court will deal with an application for injunctive relief in a representative action.

*Section 24: Notification to be represented by qualified entity for redress measures*

sets out how a consumer must inform a qualified entity of their wish to be represented by it in a representative action.

*Section 25: Declaration by consumer concerning compensation*

provides for a declaration to be signed by a consumer when joining a representative action to prevent double compensation from the same trader for the same cause of action.

*Section 26: Redress measures*

sets out the mechanism by which the High Court will deal with an application for redress from a qualified entity.

*Section 27: Funding of representative actions for redress measures*

provides for disclosures to be made by qualified entities to the High Court where the representative action is funded by a third-party, in so far as permitted in accordance with Irish law.

*Section 28: Reckoning of time for purpose of Statute of Limitations, etc.*

deals with the matter of reckoning time for the purposes of interrupting the Statute of Limitations.

*Section 29: Fees charged by qualified entity*

permits qualified entities to charge a consumer a modest entry fee to be represented by it in a representative action.

*Section 30: Settlements under redress measures*

specifies the role of the court in dealing with proposed settlements in a representative action.

*Section 31: Costs*

deals with allocation of costs by the High Court following a representative action.

*Section 32: Admissibility of final decisions of the Court or Courts or administrative authorities of other Member States*

specifies the admissibility of final decisions of Courts or administrative authorities of other Member States in a representative action.

*Section 33: Requirement to inform consumers of final decisions or settlements*

requires a trader or a qualified entity to publish details of any final decisions or settlements after a representative action has been concluded.

*Section 34: Disclosure of evidence*

deals with disclosure of evidence by parties, including third parties, in a representative action.

*An Roinn Fiontar, Trádála agus Fostaíochta,  
Márta, 2023.*

