

# S.I. No. 386/1993 - European Communities (Application of the Rules on Competition To Maritime Transport) Regulations, 1993.

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EUROPEAN COMMUNITIES (APPLICATION OF THE RULES ON COMPETITION TO MARITIME TRANSPORT) REGULATIONS, 1993.

I, DAVID ANDREWS, Minister for Defence and the Marine, 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 effect to Council Regulation (EEC) No. 4056/86 of 22 December 1986, hereby make the following Regulations:

1. These Regulations may be cited as the European Communities (Application of the Rules on Competition to Maritime Transport) Regulations, 1993.

2. In these Regulations:—

"authorised officer" means a person authorised under Regulation 4 of these Regulations;

"the Council Regulation" means Council Regulation (EEC) No. 4056/86 of 22 December 1986,<sup>(1)</sup>

"the European Commission" means the Commission of the European Communities;

"investigation" means an investigation mentioned in Article 17 or 18 of the Council Regulation;

"the Minister" means the Minister for the Marine.

3. The Minister shall be the competent authority for the purposes of the Council Regulation.

4. (1) Every person authorised by the Minister in that behalf shall be an official for the purpose of conducting investigations in accordance with Article 17 of the Council Regulation and assisting officials of the European Commission under paragraphs 5 and 6 of Article 18 of the Council Regulation.

<sup>(1)</sup> O.J. No. L378 of 22 December, 1986, p. 4-13.

(2) An authorisation issued by virtue of this Regulation shall be in writing and shall specify the subject matter and purpose of the investigation to which the authorisation relates.

5. (1) For the purpose of carrying out an investigation, an authorised officer may, either alone or accompanied by one or more officials of the European Commission, who is or are acting under Article 18 of the Council Regulation:

( a ) enter and inspect any building or other land or any vehicle, vessel or aircraft used by undertakings or associations of undertakings;

( b ) require the person carrying on the business of any undertaking or association of undertakings or employed in connection therewith to produce to the authorised officer any books, documents or records relating to such activity which are in that person's power or control, and to give the authorised officer such information as he may reasonably require in regard to any entries in such books, documents and records;

( c ) inspect and copy or take extracts from any such books, documents and records;

( d ) require a person mentioned in paragraph ( b ) to give to the authorised officer any information he may require in regard to the persons carrying on such activity (including in particular, in the case of any unincorporated body of persons, information in regard to the membership thereof and its committee of management or other controlling authority) or employed in connection therewith;

( e ) require a person mentioned in paragraph ( b ) to give to the authorised officer any information which the officer may reasonably require in regard to such activity;

( f ) without prejudice to the generality of the foregoing, require any such person to reproduce for and give to the authorised officer in legible form the content of any such record kept otherwise than in legible form;

(2) Before exercising any power conferred by this Regulation, an authorised officer shall produce to the person (if any) appearing to him to be in charge, the relevant authorisation issued to him by virtue of Regulation 4 of these Regulations.

(3) Any person who obstructs or impedes an authorised officer in the exercise of a power conferred by this Regulation or does not comply with a requirement under this Regulation shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £1,000 or imprisonment for a period not exceeding 12 months or, at the discretion of the Court, to both such fine and imprisonment.

(4) An offence under this Regulation may be prosecuted by the Minister.

6. (1) If a Judge of the District Court or a Peace Commissioner is satisfied by information on oath that

( a ) an investigation is being carried out, and