

S.I. No. 416/1993 - European Communities (Application of Rules on Competition To Rail and Road Transport) Regulations, 1993.

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EUROPEAN COMMUNITIES (APPLICATION OF RULES ON COMPETITION TO RAIL AND ROAD TRANSPORT) REGULATIONS, 1993.

I, BRIAN COWEN, T.D., Minister for Transport, Energy and Communications, in exercise of the powers conferred on me by section 3 of the European Communities Act, 1972 (No. 27 of 1972), and for the purposes of giving effect to Council Regulation (EEC) No. 1017/68 of 19 July, 1968¹, insofar as it relates to transport by rail and road, hereby make the following Regulations:

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

2. (1) In these Regulations:—

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

"authorisation" means an authorisation under Regulation 4 of these Regulations;

"the Council Regulation" means Council Regulation (EEC) No. 1017/68 of 19 July 1968;

"investigation" means an investigation referred to in Article 20 or 21 of the Council Regulation;

"the Minister" means the Minister for Transport, Energy and Communications.

(2) A word or expression that is used in these Regulations and is also used in the Council Regulation has, unless the contrary intention appears, the meaning in these Regulations that it has in the Council Regulation.

3. The Minister shall be the competent authority for the purposes of the Council Regulation insofar as it relates to transport by rail or road.

¹ O.J. No. L175/1, 23.7.68 p. 302-312.

4. (1) The Minister may appoint persons to be authorised officers for the purposes of conducting investigations in accordance with Article 20 of the Council Regulation and assisting officials of the European Commission under paragraph 5 and 6 of Article 21 of the Council Regulation.

(2) An authorisation under this Regulation shall be in writing and shall specify the subject matter and purpose of the investigation and, in a case where any books or other business records required by an authorised officer are produced to the officer in incomplete form, the officer shall inform the persons concerned of the penalties provided for in Article 22 (1) (c) of the Council Regulation.

5. For the purpose of carrying out an investigation, an authorised officer, on production of his authorisation to any person affected, may—

(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 officer any books, documents or other records relating to such business which are in that person's power or control, and to give to the officer such information as he may reasonably require in regard to any entries in such records,

(c) inspect and take copies of, or of extracts from, any such records,

(d) require the person referred to in paragraph (b) of this Regulation to give to the officer any information he may reasonably require in regard to the persons carrying on any such business (including in particular, in the case of an 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, and in regard to any entry in any such records as aforesaid,

(e) require a person referred to in paragraph (b) of this Regulation to give the officer any information which the officer may reasonably require in regard to any such business,

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

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

(b) there are reasonable grounds for believing that there may be an interference with or an obstruction of—