



Number 31 of 2026

Regulation of Artificial Intelligence Act 2026



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REGULATION OF ARTIFICIAL INTELLIGENCE ACT 2026

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Number 31 of 2026

REGULATION OF ARTIFICIAL INTELLIGENCE ACT 2026

An Act to provide for the establishment of a body to be known as Oifig IS na hÉireann; to give further effect to Regulation (EU) 2024/1689 of the European Parliament and of the Council of 13 June 2024¹ laying down harmonised rules on artificial intelligence and amending Regulations (EC) No 300/2008, (EU) No 167/2013, (EU) No 168/2013, (EU) 2018/858, (EU) 2018/1139 and (EU) 2019/2144 and Directives 2014/90/EU, (EU) 2016/797 and (EU) 2020/1828 (Artificial Intelligence Act) and for that purpose to amend the Central Bank Act 1942, the Communications Regulation Act 2002, the Competition and Consumer Protection Act 2014 and the Freedom of Information Act 2014; and to provide for related matters. [21st July, 2026]

Be it enacted by the Oireachtas as follows:

PART 1

PRELIMINARY AND GENERAL

Short title and commencement

1. (1) This Act may be cited as the Regulation of Artificial Intelligence Act 2026.
- (2) This Act shall come into operation on such day or days as the Minister may by order or orders appoint either generally or with reference to any particular purpose or provision and different days may be so appointed for different purposes or different provisions.

Interpretation

2. (1) In this Act—
 - “Act of 2014” means the Competition and Consumer Protection Act 2014;
 - “Act of 2018” means the Data Protection Act 2018;
 - “adjudicator” means a person appointed by the Minister under *section 117*;

¹ OJ L, 2024/1689, 12.7.2024.

“Artificial Intelligence Regulation” means Regulation (EU) 2024/1689 of the European Parliament and of the Council of 13 June 2024² laying down harmonised rules on artificial intelligence and amending Regulations (EC) No 300/2008, (EU) No 167/2013, (EU) No 168/2013, (EU) 2018/858, (EU) 2018/1139 and (EU) 2019/2144 and Directives 2014/90/EU, (EU) 2016/797 and (EU) 2020/1828 (Artificial Intelligence Act);

“authorised officer” means a person appointed under *section 68*;

“contravention notice” has the meaning given to it in *section 71*;

“controller” means a controller within the meaning of the General Data Protection Regulation;

“Designation Regulations” means the European Union (Artificial Intelligence) (Designation) Regulations 2025 (S.I. No. 366 of 2025);

“European AI Office” means the AI Office under Article 3(47);

“forfeiture order” has the meaning given to it in *section 74*;

“General Data Protection Regulation” means Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016³ on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation);

“Market Surveillance Regulation” means Regulation (EU) 2019/1020 of the European Parliament and of the Council of 20 June 2019⁴ on market surveillance and compliance of products and amending Directive 2004/42/EC and Regulations (EC) No 765/2008 and (EU) No 305/2011;

“Member State market surveillance authority” means—

- (a) a market surveillance authority designated by a Member State (other than the State) for the purposes of the Artificial Intelligence Regulation, or
- (b) the single point of contact designated by a Member State (other than the State) for the purposes of Article 70(2);

“Minister” means the Minister for Enterprise, Tourism and Employment;

“notice for removal of content to eliminate serious risk” has the meaning given to it in *section 75*;

“Office” has the meaning given to it in *section 8*;

“personal data” has the meaning given to it in the General Data Protection Regulation;

“prescribed” means prescribed by regulations made by the Minister under this Act;

“processing”, in relation to personal data, has the meaning given to it in the General Data Protection Regulation;

“prohibition notice” has the meaning given to it in *section 72*;

² OJ L, 2024/1689, 12.7.2024.

³ OJ No. L 119, 4.5.2016, p. 1.

⁴ OJ No. L 169, 25.6.2019, p. 1.

“relevant AI product”, in relation to a relevant market surveillance authority, means—

- (a) a product that embeds an AI system or that is itself an AI system, including where the AI system is supplied or made available after the product is placed on the market or put into service, whether by means of a software update, an add-on, a plugin, or a remote or cloud-based service, and
- (b) in relation to which the relevant market surveillance authority stands designated as the market surveillance authority under the Designation Regulations,

and a reference in this Act to a relevant AI product includes the components, elements and constituent materials of the relevant AI product;

“relevant competent authority” means an authority designated as a competent authority in the State in accordance with the Designation Regulations;

“relevant market surveillance authority” means an authority designated as a market surveillance authority in the State in accordance with the Designation Regulations;

“relevant Minister”, in relation to a relevant market surveillance authority, means the Minister of the Government on whom functions stand conferred in relation to the relevant market surveillance authority concerned;

“special categories of personal data” has the meaning given to it in the Act of 2018.

- (2) In this Act, a reference to an authorised officer is a reference to an authorised officer of the relevant market surveillance authority in relation to which the authorised officer stands appointed.
- (3) A word or expression used in this Act that is also used in the Artificial Intelligence Regulation has, unless the context otherwise requires, the same meaning in this Act as it has in that Regulation.
- (4) Unless the context otherwise requires—
 - (a) a reference in this Act to a numbered Article is a reference to the Article so numbered of the Artificial Intelligence Regulation, and
 - (b) a reference to a numbered Annex is a reference to the Annex so numbered of the Artificial Intelligence Regulation.

Regulations

- 3. (1) The Minister may by regulations provide for any matter referred to in this Act as prescribed or to be prescribed.
- (2) Without prejudice to any provision of this Act, regulations under this Act may contain such incidental, supplementary and consequential provisions as appear to the Minister to be necessary or expedient for the purposes of the regulations.
- (3) Every regulation under this Act shall be laid before each House of the Oireachtas as soon as may be after it is made and, if a resolution annulling the regulation is passed by either such House within the next 21 days on which that House sits after the

regulation is laid before it, the regulation shall be annulled accordingly, but without prejudice to the validity of anything previously done thereunder.

Service of documents

4. (1) A notice or other document that is required to be served on or given to a person under this Act shall be addressed to the person concerned by name, and may be sent or given to the person in one of the following ways:
- (a) by delivering it to the person;
 - (b) by leaving it at the address at which the person ordinarily resides or, in a case in which an address for service has been furnished, at that address;
 - (c) by sending it to the person in a prepaid registered letter to the address at which the person ordinarily resides or, in a case in which an address for service has been furnished, to that address;
 - (d) by electronic means, in a case in which the person has given notice in writing to the person serving or giving the notice or document concerned of his or her consent to the notice or document (or notices or documents of a class to which the notice or document belongs) being served on, or given to, him or her in that manner.
- (2) For the purpose of this section, a company formed and registered under the Companies Act 2014 or an existing company within the meaning of that Act shall be deemed to be ordinarily resident at its registered office, and every other body corporate and every unincorporated body of persons shall be deemed to be ordinarily resident at its principal office or place of business.

Expenses

5. The expenses incurred by the Minister in the administration of this Act shall, to such extent as may be sanctioned by the Minister for Public Expenditure, Infrastructure, Public Service Reform and Digitalisation, be paid out of moneys provided by the Oireachtas.

PART 2

OIFIG IS NA hÉIREANN

CHAPTER 1

Establishment of Oifig IS na hÉireann

Definitions (Part 2)

6. In this Part—
- “Board” has the meaning given to it by *section 12*;

“Chief Executive Officer” means the Chief Executive Officer designated or appointed under *section 24*;

“committee of the Board” means a committee of the Board established under *section 21*;

“establishment day” means the day appointed under *section 7*.

Establishment day

7. The Minister shall, by order, appoint a day to be the establishment day for the purposes of this Act.

Establishment of Office

8. (1) There shall stand established on the establishment day a body which shall be known as Oifig IS na hÉireann (in this Act referred to as the “Office”) to perform the functions conferred on it by or under this Act.
- (2) The Office—
- (a) shall be a body corporate with perpetual succession and an official seal,
 - (b) may sue and be sued in its corporate name, and
 - (c) may acquire, hold and dispose of land or an interest in land or any other property, with the consent of the Minister and the Minister for Public Expenditure, Infrastructure, Public Service Reform and Digitalisation.
- (3) The official seal of the Office shall be authenticated by the signature of—
- (a) the chairperson of the Board,
 - (b) a member of the Board authorised by the Board to act in that behalf,
 - (c) the Chief Executive Officer, or
 - (d) a member of the staff of the Office authorised by the Board to act in that behalf.
- (4) Judicial notice shall be taken of the official seal of the Office, and any document purporting to be an instrument made by, and to be sealed with the seal of, the Office authenticated in accordance with *subsection (3)* shall, unless the contrary is shown, be received in evidence and be deemed to be such an instrument without further proof.
- (5) Any contract or instrument which, if entered into or executed by an individual, would not require to be under seal may be entered into or executed on behalf of the Office by any person generally or specially authorised by the Office for that purpose.

Functions of Office

9. (1) The Office shall, in addition to the carrying out of other functions conferred on it by this Act or any other enactment—
- (a) coordinate the activities of relevant competent authorities to encourage consistent implementation and supervision of the Artificial Intelligence Regulation,

- (b) facilitate co-operation and information sharing between relevant competent authorities in the State and support joint investigation and enforcement activities of those authorities,
 - (c) promote and foster AI innovation and literacy,
 - (d) enhance public awareness in relation to the use of AI systems and the rights and obligations under the Artificial Intelligence Regulation,
 - (e) facilitate access by competent authorities in the State to technical, legal and regulatory expertise in the field of AI,
 - (f) provide advice to the Minister on any matter related to its functions as the Minister may request, and
 - (g) carry out such additional functions as may be conferred upon the Office by an order made under *section 10*.
- (2) In performing its functions, the Office shall have regard to—
- (a) the objective of providing a coherent, harmonised and effective approach to the implementation of the Artificial Intelligence Regulation in the State by competent authorities in the State,
 - (b) the need to ensure consistent and effective governance and implementation of the Artificial Intelligence Regulation in the State, and
 - (c) the policies and objectives of the Government and any Minister of the Government insofar as the policies and objectives may affect or relate to the functions of the Office.
- (3) The Office may perform any of its functions through or by the Chief Executive Officer or any member of its staff duly authorised in that behalf by the Chief Executive Officer.
- (4) The Office shall have all such powers as are necessary or expedient for the performance of its functions.
- (5) Subject to this Act, the Office shall be independent in the performance of its functions.

Conferral of additional functions

- 10.** (1) The Minister may, after consultation with the Office, the Minister for Public Expenditure, Infrastructure, Public Service Reform and Digitalisation and any other Minister of the Government who, in the opinion of the Minister, is concerned, by order confer on the Office such additional functions connected with the functions for the time being of the Office as the Minister considers appropriate, subject to such conditions as may be specified in the order.
- (2) An order under *subsection (1)* may contain such incidental, supplementary and consequential provisions as appear to the Minister to be necessary or appropriate for the purposes of giving full effect to the conferral of additional functions on the Office.

- (3) An order made under this section shall be laid by the Minister before each House of the Oireachtas as soon as may be after it is made and, if a resolution annulling the order is passed by either such House within the next 21 days on which the House sits after that order is laid before it, the order shall be annulled accordingly, but without prejudice to the validity of anything previously done under it.

Power of Minister to give directions to Office

11. (1) Subject to *subsection (4)*, the Minister may, in relation to the performance by the Office of its functions, give a direction in writing to the Office requiring it to comply with such policies of the Government relating to AI, insofar as those policies are relevant to the performance of those functions, as are specified in the direction.
- (2) The Minister shall cause a copy of a direction under *subsection (1)* to be laid before each House of the Oireachtas.
- (3) The Office shall comply with a direction under *subsection (1)*.
- (4) A direction shall not be given by the Minister under *subsection (1)* in respect of any of the provisions of *Part 6*.
- (5) For the purposes of this section, “functions” does not include a function specified in *paragraph (a), (b) or (e) of subsection (1) of section 9*.

CHAPTER 2

Board of Office

Establishment and membership of Board

12. (1) The Office shall have a board (in this Part referred to as the “Board”) with responsibility for the governance and oversight of the functions of the Office.
- (2) The Board shall consist of the following 7 members:
 - (a) a chairperson;
 - (b) 6 ordinary members.
- (3) The members of the Board shall be appointed by the Minister.
- (4) Subject to *subsection (11)*, the Minister shall appoint the members of the Board from among such persons as are recommended by the Public Appointments Service in accordance with *section 13*.
- (5) The Minister shall, in so far as is practicable, endeavour to ensure that among the members of the Board there is an equitable balance between men and women.
- (6) The chairperson of the Board shall be appointed by the Minister from among the members of the Board.
- (7) The Minister may, before the coming into operation of this section, designate a person to be appointed as the first chairperson of the Board.

- (8) Where, immediately before the coming into operation of this section, a person stands designated under *subsection (7)*, that person shall, on such coming into operation, stand appointed as the first chairperson of the Board.
- (9) The Minister may, before the coming into operation of this section, designate persons to be appointed as the first ordinary members of the Board.
- (10) Where, immediately before the coming into operation of this section, a person stands designated under *subsection (9)*, that person shall, on such coming into operation, stand appointed as an ordinary member of the Board.
- (11) *Subsection (4)* shall not apply in respect of the designation of—
 - (a) a person as the first chairperson of the Board under *subsection (7)*, or
 - (b) persons as the first ordinary members of the Board under *subsection (9)*.

Recommendations for appointment of members of Board

13. (1) Subject to *section 12(11)*, the Minister shall request the Public Appointments Service to undertake a selection process for the purpose of identifying and recommending to the Minister persons who are suitable for appointment by the Minister as members of the Board.
- (2) Upon receipt of a request under *subsection (1)*, the Public Appointments Service shall undertake a selection process and, subject to *subsection (3)*, recommend to the Minister, from among persons who participated in the process, those persons whom it is satisfied are suitable for appointment as members of the Board.
- (3) The Minister shall agree with the Public Appointments Service the selection criteria and procedures that are to apply to a selection process under this section having regard to the desirability that the members of the Board will have experience of, and shown capacity in, matters connected with the functions of the Office.
- (4) The Public Appointments Service shall provide the Minister with particulars of the experience, training and expertise of each person whom it recommends under this section as suitable for appointment as a member of the Board.

Terms of appointment and conditions of office of members of Board

14. (1) Subject to *subsection (2)*, a member of the Board shall hold office for such term, not exceeding 5 years from the date of his or her appointment, as the Minister determines.
- (2) The Minister shall ensure that, of the members of the Board first constituted under *section 12*—
- (a) 3 members are appointed for a term of office not exceeding 3 years from the date of appointment,
 - (b) 3 members are appointed for a term of office not exceeding 4 years from the date of appointment, and

- (c) the member who is first appointed chairperson is appointed for a term of office not exceeding 4 years from the date of appointment.
- (3) Subject to *subsection (4)*, a member of the Board whose term of office expires or is due to expire by the effluxion of time shall be eligible for reappointment to the Board.
- (4) A person who is reappointed to be a member of the Board in accordance with *subsection (3)* shall not hold office for more than 2 consecutive terms and, in any event, may not hold office for periods the aggregate of which exceeds 8 years.
- (5) Where it is proposed to reappoint a person as a member of the Board in accordance with *subsection (3)*, it shall not be necessary for the person to participate in a further selection process undertaken by the Public Appointments Service under *section 13* or to be recommended for reappointment by the Public Appointments Service.
- (6) Subject to *sections 17* and *18*, a member of the Board shall hold office on such terms and conditions as the Minister, with the consent of the Minister for Public Expenditure, Infrastructure, Public Service Reform and Digitalisation, determines.

Resignation of members of Board

- 15.** (1) A member of the Board may at any time by notice in writing to the Minister—
- (a) resign from the Board, or
 - (b) in the case of the chairperson, with or without resigning from the Board, resign from the office of chairperson.
- (2) A resignation under *subsection (1)* takes effect on the date specified in the notice to the Minister, or on the date on which the Minister receives the notice, whichever is the later.

Casual vacancies in membership of Board

- 16.** (1) If a member of the Board resigns, dies or ceases to hold office (otherwise than by effluxion of time), the Minister shall, as soon as practicable, appoint a person in accordance with *section 12(4)* to be a member of the Board to fill the casual vacancy so occasioned.
- (2) A person appointed under *subsection (1)* shall hold office for the unexpired period of his or her predecessor's term of office or such other period (which shall not be less than such unexpired period but which shall not exceed 5 years) as the Minister may determine.
- (3) A person appointed under *subsection (1)* is eligible for reappointment to the Board on the expiry of the unexpired period or such other period, as appropriate, referred to in *subsection (2)* but shall not hold office for more than 2 further consecutive terms and in any event shall not hold office for periods the aggregate of which exceeds 8 years.

Membership of either House of Oireachtas, European Parliament or local authority (Board or committee of Board)

17. (1) Where a member of the Board or a member of a committee of the Board is—

- (a) nominated as a member of Seanad Éireann,
- (b) elected as a member of either House of the Oireachtas or as a member of the European Parliament,
- (c) regarded pursuant to Part XIII of the Second Schedule to the European Parliament Elections Act 1997 as having been elected to be a member of the European Parliament, or
- (d) elected or co-opted as a member of a local authority,

he or she shall thereupon cease to be a member of the Board or a member of a committee of the Board.

(2) A person who is for the time being—

- (a) entitled under the Standing Orders of either House of the Oireachtas to sit therein,
- (b) a member of the European Parliament, or
- (c) entitled under the standing orders of a local authority to sit as a member thereof,

shall, while he or she is so entitled or is such a member, be disqualified for appointment as a member of the Board or a member of a committee of the Board.

Ineligibility to become and disqualification to act as member of Board

18. (1) A person shall not be eligible for appointment as a member of the Board, and a person who has been appointed shall cease to be a member, if he or she—

- (a) is or becomes a member of staff of the Office,
- (b) is sentenced by a court of competent jurisdiction to a term of imprisonment,
- (c) is convicted of any indictable offence in relation to a company or any other body corporate, or is convicted outside the State of an offence in relation to a company or any other body corporate consisting of acts or omissions which would constitute an offence triable on indictment if done or made in the State,
- (d) is convicted of an offence involving fraud or dishonesty,
- (e) has a declaration made against him or her under section 819 of the Companies Act 2014 or is deemed to be subject to such a declaration by virtue of Chapter 5 of Part 14 of that Act,
- (f) is subject to, or is deemed to be subject to, a disqualification order within the meaning of Chapter 4 of Part 14 of the Companies Act 2014 whether by virtue of that Chapter or of any other provision of that Act, or
- (g) makes a composition or arrangement with his or her creditors.

- (2) A person is not eligible for appointment as a member of the Board if he or she is adjudicated bankrupt where bankruptcy has not been annulled or discharged, and a person who has been appointed as a member of the Board shall cease to be a member if he or she is adjudicated bankrupt.

Removal of member of Board

19. (1) The Minister may remove a member of the Board from office if he or she is satisfied that—
- (a) the member has, without reasonable excuse, failed to discharge the functions of the office,
 - (b) the member has become incapable through ill-health or otherwise of performing the functions of the office,
 - (c) the member has committed stated misbehaviour (other than misbehaviour which is the basis for a conviction referred to in *section 18* as a result of which the member is required to cease to hold office in accordance with that provision),
 - (d) the member's removal is necessary for the effective and efficient performance by the Board of the oversight of the functions of the Office, or
 - (e) the member has, in the view of the Minister, a conflict of interest of such significance that the member should cease to hold office.
- (2) Where the Minister proposes to remove a member from office under *subsection (1)*, the Minister shall give notice in writing to the member of that proposal.
- (3) A notice under *subsection (2)* shall contain a statement informing the member—
- (a) of the reasons for the proposed removal,
 - (b) that the member may make representations to the Minister in such form and manner as may be specified,
 - (c) that any such representations must be made not later than 30 working days from the date of the giving of the notice, or such longer period as the Minister may, having regard to the requirements of natural justice, specify in the notice, and
 - (d) that at the end of the period specified in *paragraph (c)* or in the notice, whether or not any representations are made, the Minister shall decide whether to remove the member from office.
- (4) In considering whether to remove a member from office under *subsection (1)*, the Minister shall have regard to—
- (a) any representations made by the member in accordance with *paragraphs (b) and (c)* of *subsection (3)*,
 - (b) the views of the Board, and
 - (c) any other matter the Minister considers relevant.

- (5) Where, after giving notice under *subsection (2)*, the Minister decides to remove a member from office, the Minister shall notify the member in writing of the decision, the reasons for it and the date from which it shall take effect (which shall be a date not earlier than the date of the notice under this subsection).

Meetings of Board

20. (1) The Board shall hold such and so many meetings as may be necessary for the performance of its functions but in each year the Board shall hold not less than one meeting in each period of 3 months.
- (2) The Minister, in consultation with the chairperson of the Board, shall fix the date, time and place of the first meeting of the Board.
- (3) The quorum for a meeting of the Board shall be 5 members.
- (4) At a meeting of the Board—
 - (a) the chairperson shall, if present, be the chairperson of the meeting, or
 - (b) if the chairperson is not present or if the office of chairperson is vacant, the members of the Board who are present shall choose one of their number to be chairperson of the meeting.
- (5) Every question at a meeting of the Board on which a vote is required shall be determined by a majority of the votes of the members of the Board present and voting on the question and, in the case of an equal division of votes, the chairperson of the meeting shall have a second or casting vote.
- (6) A meeting of the Board may take place by any means of communication by which all of the members participating can hear and be heard at the same time.
- (7) A member of the Board who participates in a meeting of the Board by electronic means is taken for all purposes to be present at the meeting.
- (8) Subject to *subsection (3)*, the Board may act notwithstanding one or more vacancies among its members.
- (9) Subject to the provisions of this Act, the Board may determine its own procedures.

Committees of Board

21. (1) The Board may establish committees, consisting in whole or in part of persons who are members of the Board or members of staff of the Office or persons who are not such members, to assist and advise it in relation to the performance of any of the functions of the Office (in this Part referred to as a “committee of the Board”).
- (2) The Board may delegate to a committee of the Board any of the Board’s functions which, in its opinion, can be better or more conveniently performed by the committee.
- (3) The Board shall determine the terms of reference of each committee appointed under this section and may regulate the procedure of any such committee.
- (4) The members of a committee of the Board shall be appointed by the Board.

- (5) The chairperson of a committee of the Board shall be appointed by the Board from among the members of the committee.
- (6) A member of a committee of the Board who fails to perform his or her functions may be removed at any time for stated reasons by the Board.
- (7) The acts of a committee of the Board (other than a committee whose sole function is to provide advice to the Board) shall be subject to confirmation by the Board, unless the Board otherwise determines.
- (8) The Board may at any time dissolve a committee of the Board.

Remuneration and expenses of members of Board and committees of Board

- 22.** (1) A member of the Board may be paid such remuneration, and such allowances for expenses (if any), as the Minister may, with the consent of the Minister for Public Expenditure, Infrastructure, Public Service Reform and Digitalisation, determine.
- (2) A member of a committee of the Board, other than a member of the Board, the Chief Executive Officer or any other member of staff of the Office, may be paid such remuneration, and such allowances for expenses (if any), as the Minister may, with the consent of the Minister for Public Expenditure, Infrastructure, Public Service Reform and Digitalisation, determine.
- (3) A member of the Board, the Chief Executive Officer and a member of staff of the Office shall not receive any additional fees or other form of remuneration in respect of appointment to a committee of the Board.
- (4) Any remuneration or allowances for expenses determined in accordance with *subsection (1) or (2)* shall be payable by the Office out of moneys at its disposal.

Disclosure of interests by member of Board or of committee of Board

- 23.** (1) This section applies to a person who is—
- (a) a member of the Board, or
 - (b) a member of a committee of the Board,
- where that person or a connected person has a material interest in any matter which falls to be considered by the Board or the committee of the Board concerned.
- (2) A person to whom this section applies—
- (a) shall, in advance of any consideration of the matter, disclose that material interest to the Board or the committee of the Board concerned,
 - (b) shall take no part in the deliberation in relation to the matter,
 - (c) shall withdraw from a meeting at which the matter is being considered for so long as it is being so considered and shall not be counted towards a quorum for any question at the meeting on which a vote is required,

- (d) shall not influence or seek to influence a decision to be made in relation to the matter,
 - (e) shall not make any recommendation to the Board or the committee of the Board concerned or its members in relation to the matter, and
 - (f) shall not vote or otherwise act on a decision relating to the matter.
- (3) Where a person discloses a material interest in a matter under *subsection (2)*—
- (a) the disclosure shall be recorded in the minutes of the meeting, and
 - (b) the Board or the committee of the Board concerned may, at its discretion, refer to the disclosure in the annual report of the Office.
- (4) If a person fails to disclose a material interest pursuant to *subsection (2)*, and with that person present the Board or the committee of the Board concerned makes a decision on the matter—
- (a) the decision is not invalid, and shall be taken to have always been valid, if the Board or the committee of the Board concerned subsequently reconsiders the matter without that person present and confirms the decision, and
 - (b) a contract entered into by the Board or the committee of the Board concerned in consequence of the decision is not, by reason only of that fact, invalid or unenforceable.
- (5) If at a meeting of the Board or the committee of the Board concerned a question arises as to whether or not a course of conduct, if pursued by a person, would constitute a failure by him or her to comply with *subsection (2)*—
- (a) the chairperson presiding over the meeting shall determine the question, or
 - (b) if the question arises in relation to the chairperson presiding over the meeting, he or she shall retire from the chair for the purposes of determining the question concerned and the question shall be determined by majority vote of the remaining members,
- and in either case the determination shall be final and shall be recorded in the minutes of the meeting.
- (6) Where the Minister is satisfied, on being informed by the Board, that a member of the Board has contravened *subsection (2)*, the Minister shall decide the appropriate action to be taken in relation to that person which may include, on the recommendation of the Board, removal from office under *section 19* and, where a person is removed from office pursuant to this subsection, he or she shall thenceforth be disqualified for membership of the Board.
- (7) Where the Board is satisfied that a person who is a member of a committee of the Board but not a member of the Board or a member of staff has contravened *subsection (2)*, the Board shall decide the appropriate action (which may include removal from a committee of the Board) to be taken in relation to that person.

- (8) In this section, “connected person” and “material interest” shall be construed in accordance with section 2 of the Ethics in Public Office Act 1995.

CHAPTER 3

Chief Executive Officer

Chief Executive Officer

- 24.** (1) The Office shall have a chief executive officer (in this Part referred to as the “Chief Executive Officer”).
- (2) The Board, with the consent of the Minister, shall appoint a person, recruited in accordance with the Civil Service Regulation Acts 1956 to 2005 and the Public Service Management (Recruitment and Appointments) Act 2004, to be the Chief Executive Officer for such term, not exceeding 5 years, as the Minister may determine.
- (3) Notwithstanding *subsection (2)*, the Minister may, before the establishment day, designate a person to be the first Chief Executive Officer.
- (4) Where, immediately before the establishment day, a person stands designated by the Minister under *subsection (3)*, the person shall, on that day, stand appointed as the first Chief Executive Officer for such period, not exceeding 5 years from the date of his or her appointment, as the Minister may determine.
- (5) The Chief Executive Officer shall hold office on such terms and conditions (including terms and conditions relating to remuneration and allowances for expenses) as may be determined, with the consent of the Minister for Public Expenditure, Infrastructure, Public Service Reform and Digitalisation, by the Minister.
- (6) Subject to *subsection (7)*, a Chief Executive Officer whose term of office expires with the effluxion of time shall be eligible for reappointment by the Board, with the consent of the Minister.
- (7) A person who is reappointed by the Board in accordance with *subsection (6)* shall not hold office for periods the aggregate of which exceeds 10 years.
- (8) The Chief Executive Officer shall not hold any other office or employment or carry on any business without the consent of the Board and the Minister.
- (9) The Chief Executive Officer shall not be a member of the Board, but he or she shall be entitled to attend meetings of the Board or any committee of the Board and shall be entitled to speak at and give advice at such meetings.

Functions of Chief Executive Officer

- 25.** (1) The Chief Executive Officer shall—
- (a) carry on, manage and control generally the administration of the Office,
- (b) perform his or her functions subject to such policies as may be determined from time to time by the Board,

- (c) be accountable to the Board for the efficient and effective management of the Office and for the due performance of his or her functions,
 - (d) provide the Board with such information in respect of the performance of his or her functions as the Board may require, and
 - (e) perform such other functions (if any) as may be determined by the Board.
- (2) The Chief Executive Officer may—
- (a) make proposals to the Board on any matter relating to the functions of the Board, and
 - (b) consult with or request the advice of the Board on any matter relating to a function of the Office.

Delegation of functions of Chief Executive Officer

26. (1) The Chief Executive Officer may, with the consent of the Board in writing, delegate any of his or her functions to a specified member of staff of the Office, and that member of staff shall be accountable to the Chief Executive Officer for the performance of the functions so delegated.
- (2) The Chief Executive Officer shall, notwithstanding any delegations made in accordance with *subsection (1)*, at all times remain accountable to the Board for the performance of any functions so delegated.
- (3) The Chief Executive Officer may, with the consent of the Board in writing, revoke a delegation made in accordance with *subsection (1)*.
- (4) A member of staff who is exercising a function delegated by the Chief Executive Officer under *subsection (1)* shall not participate in any decision of a committee of the Board relating to that function, other than in an advisory capacity.
- (5) In this section, “functions” includes a function delegated by the Board to the Chief Executive Officer, other than a function delegated by the Board subject to a condition that the function shall not be delegated by the Chief Executive Officer to another person.

Resignation of Chief Executive Officer

27. The Chief Executive Officer may resign from office by giving notice in writing to the Board and the Minister of his or her resignation, and the resignation shall take effect on such date as may be specified in the notice or, where no such date is specified, on the day on which the Board receives the notice.

Removal of Chief Executive Officer

28. (1) The Board may, at any time, remove the Chief Executive Officer from office if the Board is satisfied that—
- (a) the Chief Executive Officer has become incapable, through ill-health or otherwise of performing his or her functions,

- (b) the Chief Executive Officer has committed stated misbehaviour, or
 - (c) the removal of the Chief Executive Officer is necessary for the effective and efficient performance of the Office's functions.
- (2) Where the Board proposes to remove the Chief Executive Officer from office under *subsection (1)*, the Board shall notify the Chief Executive Officer in writing of the proposal.
- (3) A notice under *subsection (2)* shall include a statement—
- (a) of the reasons for the proposed removal,
 - (b) that the Chief Executive Officer may make representations to the Board in such form and manner as may be specified,
 - (c) that any such representations must be made not later than 20 working days from the date of the giving of the notice, or such longer period as the Board may, having regard to the requirements of natural justice, specify in the notice, and
 - (d) that at the end of the period referred to in *paragraph (c)* or in the notice, whether or not any representations are made, the Board shall decide whether to remove the Chief Executive Officer from office.
- (4) In considering whether to remove the Chief Executive Officer from office under *subsection (1)*, the Board shall—
- (a) take into account any representations made in accordance with *paragraphs (b) and (c) of subsection (3)*,
 - (b) seek and take into account the views of the Minister, and
 - (c) take into account any other matter that the Board considers relevant for the purposes of its decision.
- (5) Where, after giving notice under *subsection (2)*, the Board decides to remove the Chief Executive Officer from office, it shall notify the Chief Executive Officer, in writing, of the decision, the reasons for it and the date from which it shall take effect (which shall be a date not earlier than the date of the notice under this subsection).
- (6) Where the Board decides to remove the Chief Executive Officer from office in accordance with this section, the Board shall prepare a statement of the reason or reasons for such removal and shall furnish that statement to the Minister and the Minister shall cause that statement to be laid before each House of the Oireachtas as soon as practicable after receiving it.

Ineligibility to become and disqualification to hold office of Chief Executive Officer

- 29.** (1) A person shall not be eligible for appointment as Chief Executive Officer, and a person who has been appointed shall cease to be qualified for office if he or she—
- (a) is sentenced by a court of competent jurisdiction to a term of imprisonment,
 - (b) is convicted of any indictable offence in relation to a company or any other body corporate, or is convicted outside the State of an offence in relation to a company

or any other body corporate consisting of acts or omissions which would constitute an offence triable on indictment if done or made in the State,

- (c) is convicted of an offence involving fraud or dishonesty,
 - (d) has a declaration made against him or her under section 819 of the Companies Act 2014 or is deemed to be subject to such a declaration by virtue of Chapter 5 of Part 14 of that Act,
 - (e) is subject to, or is deemed to be subject to, a disqualification order within the meaning of Chapter 4 of Part 14 of the Companies Act 2014 whether by virtue of that Chapter or of any other provision of that Act, or
 - (f) makes a composition or arrangement with his or her creditors.
- (2) A person is not eligible for appointment as Chief Executive Officer if he or she is adjudicated bankrupt and such bankruptcy has not been annulled or discharged, and a person who has been appointed shall cease to be Chief Executive Officer if he or she is adjudicated bankrupt.

Acting Chief Executive Officer

- 30.** (1) Subject to *subsection (2)*, the Board, with the consent of the Minister, may appoint such other person to perform the functions of the Chief Executive Officer during—
- (a) any period or periods when the Chief Executive Officer is absent from duty or from the State or is, for any other reason, unable to perform the functions of the Chief Executive Officer,
 - (b) any suspension from office of the Chief Executive Officer, or
 - (c) any vacancy in the office of the Chief Executive Officer.
- (2) A person shall not be appointed to perform the functions of the Chief Executive Officer for a continuous period of more than 12 months during a vacancy in the office of Chief Executive Officer.
- (3) The Board may, on notice to the Minister, at any time terminate an appointment under this section.

Membership of either House of Oireachtas, European Parliament or local authority (Chief Executive Officer or staff)

- 31.** (1) Where the Chief Executive Officer or a member of staff of the Office is—
- (a) nominated as a member of Seanad Éireann,
 - (b) elected as a member of either House of the Oireachtas or as a member of the European Parliament,
 - (c) regarded pursuant to Part XIII of the Second Schedule to the European Parliament Elections Act 1997 as having been elected to be a member of the European Parliament, or

- (d) elected or co-opted to be a member of a local authority,
 - he or she shall thereupon cease to be the Chief Executive Officer or a member of staff.
- (2) A person who is for the time being—
- (a) entitled under the Standing Orders of either House of the Oireachtas to sit therein,
 - (b) a member of the European Parliament, or
 - (c) entitled under the standing orders of a local authority to sit as a member thereof,
- shall, while he or she is so entitled or is such a member, be disqualified for appointment as Chief Executive Officer or as a member of staff.

Accountability of Chief Executive Officer to Public Accounts Committee

- 32.** (1) The Chief Executive Officer shall, whenever required in writing to do so by the Public Accounts Committee, give evidence to that Committee in relation to—
- (a) the regularity and propriety of the transactions recorded or required to be recorded in any book or other record of account subject to audit by the Comptroller and Auditor General that the Office is required by or under this Act or any other enactment to prepare,
 - (b) the economy and efficiency of the Office in the use of its resources,
 - (c) the systems, procedures and practices employed by the Office for the purpose of evaluating the effectiveness of its operations, and
 - (d) any matter affecting the Office referred to in a special report of the Comptroller and Auditor General under section 11(2) of the Comptroller and Auditor General (Amendment) Act 1993 or in any other report of the Comptroller and Auditor General, in so far as it relates to a matter specified in *paragraph (a), (b) or (c)*, that is laid before Dáil Éireann.
- (2) In the performance of his or her duties under this section, the Chief Executive Officer shall not question or express an opinion on the merits of any policy of the Government or of a Minister of the Government or the objectives of such a policy.
- (3) In this section, “Public Accounts Committee” means the Committee of Dáil Éireann established under the Standing Orders of Dáil Éireann to examine and report to Dáil Éireann on the appropriation accounts and reports of the Comptroller and Auditor General.

Accountability of Chief Executive Officer to other Oireachtas Committees

- 33.** (1) Subject to *subsection (2)*, the Chief Executive Officer shall, at the request in writing of an Oireachtas Committee, attend before it to give an account of the general administration of the Office.

- (2) The Chief Executive Officer shall not be required to give an account before an Oireachtas Committee of any matter which is the subject of proceedings before a court or tribunal in the State.
- (3) Where the Chief Executive Officer is of the opinion that a matter in respect of which he or she is requested to give an account before an Oireachtas Committee is a matter to which *subsection (2)* applies, he or she shall inform the Oireachtas Committee of that opinion and the reasons for the opinion and, unless the information is conveyed to that Oireachtas Committee at a time when the Chief Executive Officer is before it, the information shall be so conveyed in writing.
- (4) Where the Chief Executive Officer has informed an Oireachtas Committee of his or her opinion in accordance with *subsection (3)* and the Oireachtas Committee does not withdraw its request on the matter the subject of that opinion—
 - (a) the Chief Executive Officer may, not later than 21 working days from the date on which the Oireachtas Committee informed the Chief Executive Officer of its decision not to do so, apply to the High Court in a summary manner for determination of the question whether the matter is one to which *subsection (2)* applies, or
 - (b) the chairperson of the Oireachtas Committee may, on behalf of the Oireachtas Committee, make such an application not later than 21 working days from the date on which the Chief Executive Officer was informed of its decision not to do so,and the High Court shall determine the matter.
- (5) Pending the determination of an application under *subsection (4)*, the Chief Executive Officer shall not attend before the Oireachtas Committee to give an account of the matter the subject of the application.
- (6) If the High Court determines that the matter concerned is one to which *subsection (2)* applies, the Oireachtas Committee shall withdraw the request referred to in *subsection (1)*, but if the High Court determines that *subsection (2)* does not apply, the Chief Executive Officer shall attend before the Oireachtas Committee to give an account of the matter.
- (7) In the performance of his or her duties under this section, the Chief Executive Officer shall not question or express an opinion on the merits of any policy of the Government or a Minister of the Government or on the merits of the objectives of such a policy.
- (8) In this section, “Oireachtas Committee” means—
 - (a) a committee appointed by either House of the Oireachtas or jointly by both Houses of the Oireachtas (other than the committee referred to in *section 32*, the Committee on Members’ Interests of Dáil Éireann or the Committee on Members’ Interests of Seanad Éireann), or
 - (b) a sub-committee of a committee referred to in *paragraph (a)*.

CHAPTER 4

*Staff of Office, consultants and advisers***Staff of Office**

- 34.** (1) The Office may, with the approval of the Minister and the consent of the Minister for Public Expenditure, Infrastructure, Public Service Reform and Digitalisation, appoint such and so many persons to be members of staff of the Office as it from time to time considers appropriate.
- (2) The terms and conditions of service of a member of the staff of the Office and the grade at which he or she serves shall be such as may be determined by the Office, with the approval of the Minister and the consent of the Minister for Public Expenditure, Infrastructure, Public Service Reform and Digitalisation.
- (3) There shall be paid by the Office to members of its staff such remuneration and allowances for expenses as may be approved from time to time by the Minister, with the consent of the Minister for Public Expenditure, Infrastructure, Public Service Reform and Digitalisation.
- (4) The members of the staff of the Office shall perform their functions under the direction and control of the Chief Executive Officer.
- (5) Appointments under this section shall be subject to the Public Service Management (Recruitment and Appointments) Act 2004 and the Civil Service Regulation Acts 1956 to 2005.
- (6) Subject to *subsection (7)*, the Office may enter into an arrangement with the employer of a public sector employee for the secondment of the employee to be a member of staff of the Office for the duration of the secondment.
- (7) A secondment under *subsection (6)* may only be made with the consent of the public sector employee concerned and the Minister.
- (8) In this section, “public sector employee” means a person whose emolument is paid, funded or partly funded directly or indirectly by the State.

Engagement of consultants and advisers

- 35.** (1) The Office may engage such consultants and advisers for such period and subject to such terms and conditions as it considers necessary or expedient for the performance of its functions.
- (2) Fees payable to a consultant or adviser engaged under this section shall, having regard to guidelines issued from time to time by the Minister for Public Expenditure, Infrastructure, Public Service Reform and Digitalisation, be paid by the Office out of moneys at its disposal.

Prohibition on unauthorised disclosure of confidential information

- 36.** (1) Subject to *subsection (2)*, a person shall not disclose confidential information obtained by him or her while performing functions as—
- (a) a member of the Board or a committee of the Board,
 - (b) a member of the staff of the Office,
 - (c) the Chief Executive Officer,
 - (d) a consultant or adviser engaged by the Office or other person providing services to the Office or a member of the staff of such consultant or adviser or other person.
- (2) *Subsection (1)* shall not operate to prevent the disclosure of confidential information by a person referred to in that subsection if the disclosure is—
- (a) made in the performance of the functions of the Office,
 - (b) made to or authorised by the Office, the Board, or the Chief Executive Officer,
 - (c) made by a person in the circumstances referred to in section 35(2) of the Ethics in Public Office Act 1995,
 - (d) a protected disclosure within the meaning of the Protected Disclosures Act 2014,
 - (e) required or permitted by law,
 - (f) made to a member of An Garda Síochána and, in the opinion of the person making the disclosure, the information may relate to the commission of an offence (whether or not it is an offence under this Act), or
 - (g) made to a public authority, whether in the State or otherwise, for the purposes of facilitating co-operation between the Office and such authority in the performance of their respective functions.
- (3) A person who contravenes *subsection (1)* shall be guilty of an offence.
- (4) In this section, “confidential information” means—
- (a) information of a commercially sensitive nature submitted to the Office by a consultant or adviser or any other person for the purposes of the performance by the Office of its functions, or
 - (b) other information that is expressed by the Office to be confidential either as regards particular information or as regards information of a particular class or description.

CHAPTER 5

*Accountability and funding of Office***Advances to Office**

- 37.** In each financial year, the Minister may advance to the Office out of moneys provided by the Oireachtas such sums as the Minister may, with the consent of the Minister for Public

Expenditure, Infrastructure, Public Service Reform and Digitalisation, determine for the purposes of expenditure by the Office in the performance of its functions.

Strategy statement

38. (1) The Office shall, having consulted with the Board and as soon as practicable after the establishment day, and thereafter not later than 6 months before each third anniversary of the establishment day, prepare and submit to the Minister a statement (in this section referred to as a “strategy statement”) in respect of the period of 3 years immediately following the year in which the strategy statement is submitted.
- (2) A strategy statement shall—
- (a) include the key objectives, outputs and related strategies of the Office, including the use of resources in relation to the period to which the statement relates, and
 - (b) except in the case of the strategy statement first prepared under this section, include a review and evaluation of the work of the Office in the performance of its functions in the previous 3 years.
- (3) A strategy statement shall be prepared in the form and manner that the Minister may from time to time direct.
- (4) The Office shall, in the preparation of a strategy statement, have regard to the need to ensure the most effective and efficient use of the resources available to the Office.
- (5) The Minister shall, as soon as practicable after a strategy statement has been submitted to him or her under *subsection (1)*, cause a copy of that statement to be laid before each House of the Oireachtas.
- (6) The Office shall, as soon as practicable after a copy of the strategy statement is laid before each House of the Oireachtas in accordance with *subsection (5)*, arrange for the strategy statement to be published on its website.

Accounts of Office

39. (1) The Office shall keep, or cause to be kept, in such form and in respect of such accounting periods as may be specified by the Minister, with the consent of the Minister for Public Expenditure, Infrastructure, Public Service Reform and Digitalisation, all proper and usual accounts of all moneys received or expended by it.
- (2) The Office shall submit accounts kept under *subsection (1)* to the Comptroller and Auditor General for audit not later than 1 April in the year immediately following the accounting period to which they relate or on such earlier date as the Minister may from time to time specify.
- (3) As soon as practicable after the audit referred to in *subsection (2)*, the Office shall present a copy of—
- (a) the annual accounts, and
 - (b) the report of the Comptroller and Auditor General on the accounts,

to the Minister who, as soon as practicable after such presentation, shall cause copies of them to be laid before each House of the Oireachtas.

- (4) The Office shall, whenever so requested by the Minister, permit any person appointed by the Minister to examine the books or other records of account of the Office in respect of any accounting period or other period and shall facilitate any such examination, and the Office shall pay such fee for the examination as may be fixed by the Minister.

Annual report

- 40.** (1) The Office shall, not later than 6 months after the end of each year, prepare and submit to the Minister a report in writing (in this section referred to as an “annual report”) on the performance of its functions during the preceding year.
- (2) Notwithstanding *subsection (1)*, if, but for this subsection, the first annual report would relate to a period of less than 6 months, the report shall relate to that period and to the year immediately following that period and shall be prepared and submitted by the Office to the Minister as soon as may be, but not later than 6 months after the end of that year.
- (3) An annual report shall be in such form and shall include such information on the performance of the functions of the Office during the period to which the report relates as the Office considers appropriate or the Minister may direct.
- (4) The Minister shall, as soon as practicable after receipt of an annual report under *subsection (1)*, cause a copy of it to be laid before each House of the Oireachtas.
- (5) The Office shall, as soon as practicable after a copy of the annual report is laid before each House of the Oireachtas in accordance with *subsection (4)*, arrange for the annual report to be published on its website.

PART 3

SINGLE POINT OF CONTACT, AI REGISTER, SANDBOXES, REAL WORLD TESTING AND DATA PROTECTION

CHAPTER 1

Interpretation

Interpretation (Part 3)

- 41.** In this Part—

“AI register” means the register established in accordance with *section 43*;

“sandbox” has the meaning given to it in *section 46*.

CHAPTER 2

*Single point of contact and AI register***Single point of contact**

- 42.** (1) The Office is designated as the single point of contact for the purposes of Article 70(2).
- (2) Regulation 6 of the Designation Regulations is revoked.

AI register

- 43.** (1) The Office shall, as soon as practicable after the coming into operation of this section, cause to be established and maintained, in such form as it considers appropriate, a register of the matters specified in *subsection (2)* (in this Part referred to as the “AI register”).
- (2) The AI register shall contain the following details:
- (a) all incidences of prohibited AI practices under Article 5 in the State;
 - (b) all serious incidents of high-risk AI systems in the State reported under Article 73;
 - (c) high-risk AI systems referred to in point 2 of Annex III in accordance with Article 49(5);
 - (d) any other AI-related incidents or notifications in the State required to be reported under the Artificial Intelligence Regulation.
- (3) The Office shall ensure that the AI register is maintained in a secure and accessible format and updated regularly.
- (4) The Office shall, from time to time, review each entry in the AI register and, if it becomes aware that any particular in the AI register is incorrect or has ceased to be correct, it shall make such alteration to the AI register as it considers necessary.

Administrative co-operation with certain bodies not established in the State

- 44.** (1) The Office may, in the interests of the effective discharge of its functions, including that as the single point of contact, co-operate, and enter into co-operation agreements, with a body not established in the State, if that body performs similar functions to the Office.
- (2) Without prejudice to the generality of *subsection (1)*, a body which is designated as a national competent authority under Article 70 shall be considered to be a body that performs similar functions to the Office.
- (3) Where the Office enters into an agreement under this section, the Office may—
- (a) provide the Minister with a copy of the agreement, and

- (b) publish the agreement on a website maintained by it, with the consent of all parties to the agreement, and subject to such redaction as may be agreed between them.

Co-operation forum

45. The Office shall establish a co-operation forum to enable co-operation, coordination and information exchange among competent authorities responsible for the supervision and enforcement of the Artificial Intelligence Regulation in the State.

CHAPTER 3

Sandboxes

AI regulatory sandbox

46. (1) The Office may establish one or more AI regulatory sandboxes (in this Part referred to as a “sandbox”) in accordance with Article 57.
- (2) For the purposes of *subsection (1)*, the Minister, following consultation with each relevant Minister (other than where the relevant Minister is the Minister), may make regulations providing for the establishment of a sandbox.
- (3) Without prejudice to the generality of *subsection (2)*, regulations under this section may provide for all or any of the following matters in respect of a sandbox established under this section:
- (a) issuing guidelines and procedures to other relevant competent authorities for the operation of a sandbox;
 - (b) setting conditions and criteria for evaluation and selection of applicants to participate in any sandbox that the Office is supervising;
 - (c) setting conditions and criteria for the inclusion of applicants who are selected to participate in any sandbox that the Office is supervising;
 - (d) monitoring and coordinating activities that occur within a sandbox;
 - (e) where appropriate, entering into arrangements with European Union institutions and bodies for participation by the Office in an AI regulatory sandbox established by another Member State under the Artificial Intelligence Regulation;
 - (f) where appropriate, entering into arrangements in relation to other AI regulatory sandboxes, whether in the State or in another Member State;
 - (g) where appropriate, co-operating with other relevant competent authorities to support the functioning of a sandbox;
 - (h) any other matters that are necessary or expedient for the purposes of giving effect to *subsection (2)*.

Personal data for sandbox

47. (1) Personal data lawfully collected for other purposes may be processed solely for the purpose of developing, training and testing certain AI systems in a sandbox in accordance with Article 59.
- (2) Where a sandbox involves the processing of personal data or otherwise falls under the supervisory remit of the Data Protection Commission, the Office shall ensure, in accordance with Article 57(10), that the Data Protection Commission is—
- (a) associated with the operation of the sandbox, and
 - (b) involved in the supervision of those aspects of the sandbox relevant to data protection.

CHAPTER 4

*Real world testing***Testing of high-risk AI systems in real world conditions**

48. (1) A provider or prospective provider (in this section referred to as an “applicant”) may apply to a relevant market surveillance authority to conduct testing of high-risk AI systems in accordance with Article 60.
- (2) An application under *subsection (1)* shall be made in the form and manner specified by the relevant market surveillance authority concerned.
- (3) A relevant market surveillance authority that receives an application under *subsection (1)* may, in advance of determining the application, by notice in writing request the applicant to provide additional information to the relevant market surveillance authority within a specified period, and where the relevant market surveillance authority does so, the applicant shall comply with that requirement within the period specified in the request.
- (4) Where the relevant market surveillance authority is satisfied, having considered an application under *subsection (1)* and any additional information provided in response to a request under *subsection (3)*, that an applicant—
- (a) meets each of the conditions referred to in Article 60(4), the relevant market surveillance authority may permit the applicant to conduct testing of the AI system in real world conditions in accordance with that Article, or
 - (b) does not meet each of the conditions referred to in Article 60(4), the relevant market surveillance authority shall refuse to permit the applicant to conduct testing of the AI system in real world conditions in accordance with that Article.
- (5) Where the relevant market surveillance authority permits, or refuses to permit, testing of an AI system in real world conditions under *subsection (4)*, the relevant market surveillance authority shall, by notice in writing, inform the applicant and, in the case of a refusal to permit, inform the applicant of the right to a review of the refusal under *section 50*.

Suspension, termination or modification of testing in real world conditions

49. (1) Where a relevant market surveillance authority proposes, in accordance with Article 76(3), to suspend, terminate or require the modification of any aspect of testing permitted under *section 48* (in this section and in *section 50* referred to as a “proposal”), the relevant market surveillance authority shall, by notice in writing, inform the provider or prospective provider concerned in writing of the proposal.
- (2) A notice under *subsection (1)* shall—
- (a) include particulars of the proposal and the reason for it,
 - (b) inform the provider or prospective provider that they are entitled to make representations in accordance with *subsection (3)* regarding the proposal,
 - (c) inform the provider or prospective provider that, if no such representations are made within the period referred to in *subsection (3)*, the proposal shall come into effect 14 working days from the date of the notice, and
 - (d) inform the provider or prospective provider that they are entitled, in accordance with *section 50*, to seek a review of a decision relating to the proposal.
- (3) Where a provider or prospective provider receives a notice under *subsection (1)*, the provider or prospective provider may make representations to the relevant market surveillance authority concerned on the proposal within such period, not exceeding 14 working days from the date of the notice, as may be specified in the notice.
- (4) Where—
- (a) no representations are made under *subsection (3)* within the period specified in the notice, the proposal shall come into effect 14 working days from the date of the notice, or
 - (b) representations are made under *subsection (3)* within the period specified in the notice, the relevant market surveillance authority shall, having considered such representations, decide as soon as practicable whether or not to proceed with the proposal.
- (5) Having made a decision under *subsection (4)(b)*, the relevant market surveillance authority shall, by notice in writing—
- (a) inform the provider or prospective provider in writing of the decision, and
 - (b) where the relevant market surveillance authority decides to proceed with the proposal, notify the provider or prospective provider of the date on which the proposal shall come into effect.
- (6) Where a relevant market surveillance authority decides, under *subsection (4)(b)*, to proceed with a proposal, the proposal shall come into effect on the date referred to in *subsection (5)(b)*.
- (7) Where a relevant market surveillance authority decides to proceed with a proposal, it shall communicate the grounds for the decision to the Member State market surveillance authorities of each Member State in which the AI system to which the proposal relates has been tested in accordance with the testing plan.

Review of refusal or decision concerning testing in real world conditions**50. (1) Where—**

- (a) a relevant market surveillance authority refuses to permit testing of high-risk AI systems in real world conditions under *section 48(4)(b)*, or
- (b) a relevant market surveillance authority decides, under *section 49(4)(b)*, to proceed with a proposal,

the provider or prospective provider concerned may, not later than 14 working days from the date of the notification under *section 48(5)* or *section 49(5)*, as the case may be, request in writing a review (in this section referred to as a “review request”) of such refusal or decision.

- (2) A review request shall be made in the form and manner specified by the relevant market surveillance authority concerned.
- (3) A review request shall state the grounds on which the provider or prospective provider making the request seeks a review of the decision concerned.
- (4) A relevant market surveillance authority shall, upon receipt of a review request, appoint an independent person (in this section referred to as a “reviewer”) to carry out a review in accordance with this section.
- (5) A reviewer shall, as soon as is practicable after being appointed—
 - (a) review the refusal under *section 48(4)(b)* or the decision under *section 49(4)(b)*, as the case may be, and
 - (b) recommend to the relevant market surveillance authority concerned that—
 - (i) the refusal or decision, as the case may be, should be affirmed, or
 - (ii) the refusal or decision, as the case may be, should be reconsidered by the relevant market surveillance authority.
- (6) The reviewer shall, within 14 working days of making a recommendation under *subsection (5)*, give notice to the provider or prospective provider who made the review request, and to the relevant market surveillance authority concerned, of the recommendation and the reasons for it.
- (7) Where a recommendation is made under *subsection (5)(b)(ii)*, the relevant market surveillance authority concerned shall—
 - (a) reconsider the refusal or decision, as the case may be, and
 - (b) notify the provider or prospective provider who made the review request of the outcome of its reconsideration and the reasons for that outcome.

CHAPTER 5

Data protection

Processing of personal data and special categories of personal data (Office)

- 51.** (1) The Office may process personal data, including special categories of personal data, in accordance with the General Data Protection Regulation and the Act of 2018 and any regulations made under *section 52* to the extent necessary and proportionate for the performance of its functions under this Act and the Artificial Intelligence Regulation.
- (2) For the purposes of this Act, the Office is designated as controller in relation to personal data processed by it for the purposes of the performance of its functions under this Act and the Artificial Intelligence Regulation.
- (3) Personal data processed for the purposes referred to in *subsection (1)* shall not be retained for any period beyond which it is required and shall be permanently deleted after it is no longer required.

Regulations concerning data protection for Office

- 52.** Without prejudice to the generality of *section 3*, the Minister may, after consultation with the Office, make regulations for any or all of the following:
- (a) the types and forms of processing that may be carried out;
 - (b) the personal data that may be processed;
 - (c) the circumstances in which the personal data may be processed, including specifying the persons to whom the data may be disclosed;
 - (d) suitable and specific measures, including measures referred to in *section 36(1)* of the Act of 2018, to safeguard the fundamental rights and freedoms of data subjects in the processing of personal data, including special categories of personal data under this Act;
 - (e) where the processing involves data relating to the health of a data subject, additional measures to be taken to safeguard the processing of that data;
 - (f) the period of time during which personal data or special categories of personal data may be processed;
 - (g) where possible, the proposed time limit within which each category of personal data shall be erased;
 - (h) such other conditions (if any) as the Minister considers appropriate to impose on such processing.

PART 4

RELEVANT MARKET SURVEILLANCE AUTHORITIES AND RELEVANT COMPETENT AUTHORITIES

CHAPTER 1

*Interpretation***Definition (*Part 4*)**

53. In this Part, “relevant fundamental rights public body” means a public body or authority which supervises or enforces the respect of obligations under European Union law protecting fundamental rights, including the right to non-discrimination, in relation to the use of high-risk AI systems referred to in Annex III in the State as specified in Article 77(1) and includes the following:

- (a) An Coimisiún Toghcháin;
- (b) Coimisiún na Meán;
- (c) the Data Protection Commission;
- (d) the Environmental Protection Agency;
- (e) the Financial Services and Pensions Ombudsman;
- (f) the Irish Human Rights and Equality Commission;
- (g) the Ombudsman;
- (h) the Ombudsman for Children;
- (i) the Office of Ombudsman for the Defence Forces;
- (j) such other body as may be prescribed by the Minister.

CHAPTER 2

*General obligations of relevant market surveillance authorities***Obligation of relevant market surveillance authority and others**

54. (1) A relevant market surveillance authority, a member of staff of a relevant market surveillance authority, a person working under the supervision of a relevant market surveillance authority or any other person involved in the application of the Artificial Intelligence Regulation shall not contravene Article 78.
- (2) A person who, without reasonable excuse, contravenes *subsection (1)* shall be guilty of an offence.

Derogation from conformity assessment procedure

55. (1) Where a relevant market surveillance authority receives a duly justified request in accordance with Article 46(1), the relevant market surveillance authority concerned

may authorise the placing on the market or the putting into service of specific high-risk AI systems within the State in accordance with that Article.

- (2) Where a relevant market surveillance authority proposes to refuse an authorisation in accordance with Article 46, the relevant market surveillance authority shall, as soon as practicable, notify the applicant in writing of such proposal and the applicant may make representations in accordance with *section 56*.
- (3) A relevant market surveillance authority shall—
 - (a) notify the Office of any authorisation granted under Article 46, and
 - (b) inform the European Commission and Member States in accordance with Article 46(3).
- (4) Where the European Commission enters into consultations in accordance with Article 46(5) with a relevant market surveillance authority, the relevant market surveillance authority concerned shall, without undue delay, notify the operators concerned.

Representations (derogation from conformity assessment)

56. (1) Where an applicant has been notified by a relevant market surveillance authority of a proposal to refuse to authorise a derogation from a conformity assessment procedure under *section 55(2)*, he or she may, not later than 14 working days from the date of the notification, make representations to the relevant market surveillance authority about such proposal.
- (2) The relevant market surveillance authority shall have regard to any representations made to it under *subsection (1)* in deciding whether to proceed with the refusal to grant a derogation and shall notify the applicant, in writing, of its decision.

Reporting of serious incidents

57. (1) Where a relevant market surveillance authority receives a notification related to a serious incident as defined in Article 3(49), the relevant market surveillance authority concerned shall, in accordance with Article 73(7), inform the relevant public bodies referred to in that Article.
- (2) A relevant market surveillance authority that has received a notification referred to in *subsection (1)* shall take appropriate measures in accordance with Article 73(8).
- (3) The Health Products Regulatory Authority shall be notified of serious incidents relating to high-risk AI systems which are safety components of devices or are themselves devices specified in Article 73(10).

Market surveillance authorities seeking access

58. (1) A relevant market surveillance authority may seek access from a provider to documentation as well as to the training, validation and testing data sets in accordance with Article 74(12), and where such access is requested, the provider shall grant access.

- (2) A relevant market surveillance authority may make a reasoned request to seek access to the source code of a high-risk AI system in accordance with Article 74(13) and where such access is requested, a provider shall grant access to that source code where the conditions specified in that Article are fulfilled.
- (3) A person who does not provide access where requested under *subsection (1) or (2)* shall be guilty of an offence.

Request by relevant fundamental rights public body to organise testing of a high-risk system

- 59.** (1) Where a relevant fundamental rights public body makes a request under Article 77(1), it shall inform the relevant market surveillance authority of that request as soon as is reasonably practicable.
- (2) Where a relevant fundamental rights public body makes a reasoned request under Article 77(3) because the documentation referred to in that Article is insufficient to ascertain whether an infringement of obligations under European Union law protecting fundamental rights has occurred, such request shall—
 - (a) be made in the prescribed form and manner to the relevant market surveillance authority, and
 - (b) include a statement of the grounds upon which the relevant fundamental rights public body is of the view that there may be an infringement of obligations under European Union law protecting fundamental rights.
 - (3) Where a reasoned request is received under *subsection (2)*, the relevant market surveillance authority shall consider that reasoned request and shall inform the relevant fundamental rights public body of the actions it proposes to take.
 - (4) Where a relevant market surveillance authority has proposed under *subsection (3)* that testing is required, it shall organise the testing requested in accordance with Article 77(3) and shall provide the results of any testing to the relevant fundamental rights public body that requested it.
 - (5) The Minister, after consultation with the relevant Minister (other than where the relevant Minister is the Minister), may prescribe the procedures to be followed by a relevant market surveillance authority for the handling of, and responses to, requests made by a relevant fundamental rights public body under Article 77(3).

Reports provided to Office and Competition and Consumer Protection Commission by relevant market surveillance authority

- 60.** (1) Where a relevant market surveillance authority reports annually to the European Commission in accordance with Article 74(2), it shall provide copies of that report to the Office and the Competition and Consumer Protection Commission.
- (2) A relevant market surveillance authority shall provide a copy of a report or results, as the case may be, to the Office where the relevant market surveillance authority concerned—

- (a) receives a notification under *section 57*,
- (b) submits a report to the European AI Office under Article 57(16), and
- (c) receives a notification in accordance with Article 27(3).

Complaints concerning infringement of Artificial Intelligence Regulation

- 61.** (1) A person (in this section referred to as a “complainant”) may make a complaint in accordance with Article 85 to a relevant market surveillance authority or the Office, in a form specified by the relevant market surveillance authority or the Office, as the case may be, that there has been an infringement of the Artificial Intelligence Regulation.
- (2) Where a complaint is submitted to the Office under *subsection (1)*, the Office shall carry out an initial assessment of the complaint and, having done so, may—
- (a) transmit the complaint to a relevant market surveillance authority,
 - (b) transmit the complaint to the European AI Office where the complaint concerns Article 75, or
 - (c) take such other action in respect of the complaint as the Office considers appropriate.
- (3) The Office shall notify in writing the complainant where the complaint has been transmitted under *subsection (2)(a)* or *(b)*.
- (4) Where a complaint is made to a relevant market surveillance authority under *subsection (1)*, or transmitted under *subsection (2)(a)*, the relevant market surveillance authority in receipt of the complaint shall carry out an initial assessment of the complaint and, having done so, may—
- (a) dismiss the complaint where the relevant market surveillance authority finds that—
 - (i) the complaint is frivolous or vexatious or was not made in good faith, or
 - (ii) the subject matter of the complaint is trivial,
 - (b) transmit the complaint to another relevant market surveillance authority,
 - (c) transmit the complaint to the European AI Office where the complaint concerns Article 75,
 - (d) take such other action in respect of the complaint as the relevant market surveillance authority considers appropriate, or
 - (e) take no further action in respect of the complaint.
- (5) A complaint made under *subsection (1)* shall be taken into account for the purpose of conducting market surveillance procedures and shall be handled in accordance with procedures established by the relevant market surveillance authority under the Market Surveillance Regulation.

Reporting of infringements and protection of reporting persons

62. The Protected Disclosures Act 2014 shall apply to the reporting of infringements of the Artificial Intelligence Regulation and the protection of persons reporting such infringements.

CHAPTER 3

*Co-operation agreements of relevant market surveillance authorities***Co-operation agreements of relevant market surveillance authorities**

63. (1) A relevant market surveillance authority may enter into an agreement (in this section referred to as a “co-operation agreement”) with another relevant market surveillance authority or a prescribed body for the purposes of facilitating co-operation between them in the performance of their respective functions in so far as they relate to the supervision and enforcement of the Artificial Intelligence Regulation.
- (2) A co-operation agreement shall include provisions—
- (a) enabling each party to furnish to another party information in its possession if the information is required by that other party for the purpose of the performance of any of its functions in so far as they relate to the supervision and enforcement of the Artificial Intelligence Regulation, and
 - (b) enabling each party to forbear to perform any of its functions in so far as they relate to the supervision and enforcement of the Artificial Intelligence Regulation in relation to a matter in circumstances where it is satisfied that another party is performing functions in relation to that matter.
- (3) A co-operation agreement may be varied by the parties concerned.
- (4) The Minister and any other relevant Minister shall each be furnished by the relevant market surveillance authorities with a copy of every co-operation agreement (including any variation of the agreement) that has been made not later than one month from the date the agreement (or the variation of it) has been made.
- (5) A co-operation agreement, or any variation made to it, shall be in writing and, as soon as practicable after the agreement or variation has been made and furnished to the Minister and any other relevant Minister, each of the parties shall arrange for it to be published on a website maintained by or on behalf of the relevant market surveillance authority concerned.
- (6) Without prejudice to *subsection (8)*, nothing in any enactment shall be read as preventing the provisions of a co-operation agreement from having effect in accordance with their terms.
- (7) If information is furnished by one party to another party pursuant to a provision of a co-operation agreement of the kind referred to in *subsection (2)(a)*, the provisions of any enactment concerning the disclosure of that information by the first-mentioned party shall apply to the second-mentioned party with respect to that information.

- (8) A failure by a relevant market surveillance authority or a prescribed body to comply with a provision of a co-operation agreement shall not invalidate the exercise by it of any power.
- (9) (a) In this section—
- “party” means a party to a co-operation agreement and a reference to another party (whether that expression or the expression “the other party” is used) shall, where there are 2 or more other parties to the agreement, be construed as a reference to one or more of those other parties or each of them, as appropriate;
- “prescribed body” means each of the following:
- (i) the Office;
 - (ii) a relevant fundamental rights public body;
 - (iii) the Commission for Aviation Regulation;
 - (iv) the Irish National Accreditation Board;
 - (v) An Garda Síochána;
 - (vi) Revenue Commissioners;
 - (vii) a body prescribed by the Minister.
- (b) Before prescribing a body for the purposes of this section, the Minister shall consult with such Minister or Ministers of the Government as he or she considers appropriate.
- (c) In prescribing a body for the purposes of this section, the Minister shall have regard to the functions and activities of the body, insofar as they—
- (i) relate to consumer protection, product safety, market surveillance, post-market monitoring, incident reporting, system safety or security, data protection or the protection of fundamental rights, and
 - (ii) are necessary for the effective supervision or enforcement of the Artificial Intelligence Regulation.

Prohibition on unauthorised disclosure of confidential information by relevant competent authorities

- 64.** (1) Subject to *subsection (2)* and *section 36*, a person shall not disclose confidential information obtained by him or her while performing functions under this Act or the Artificial Intelligence Regulation as—
- (a) a member of staff of a relevant competent authority, or
 - (b) a consultant or adviser engaged by a relevant competent authority or other person providing services to a relevant competent authority or as a member of the staff of such adviser or consultant or other person.
- (2) A person does not contravene *subsection (1)* by disclosing confidential information if the disclosure—

- (a) is made in the performance of functions under this Act or the Artificial Intelligence Regulation of the relevant competent authority,
 - (b) is made to or authorised by the relevant competent authority,
 - (c) is made by a person in the circumstances referred to in section 35(2) of the Ethics in Public Office Act 1995,
 - (d) is a protected disclosure within the meaning of the Protected Disclosures Act 2014,
 - (e) is required or permitted by law, or
 - (f) is made to a member of An Garda Síochána and, in the opinion of the person making the disclosure, the information may relate to the commission of an offence (whether or not it is an offence under this Act).
- (3) A person who contravenes *subsection (1)* shall be guilty of an offence.
- (4) In this section, “confidential information” means—
- (a) information of a commercially sensitive nature submitted to the relevant competent authority, by contractors, consultants or any other person for the purposes of the performance of the relevant competent authority’s functions, or
 - (b) other information that is expressed by the relevant competent authority to be confidential either as regards particular information or as regards information of a particular class or description.

CHAPTER 4

Data protection for relevant competent authorities

Processing of personal data and special categories of personal data (relevant competent authorities)

- 65.** (1) A relevant competent authority may process personal data, including special categories of personal data, in accordance with the General Data Protection Regulation and the Act of 2018 and any regulations under *section 66* to the extent necessary and proportionate for the performance of its functions under this Act and the Artificial Intelligence Regulation.
- (2) For the purposes of this Act, a relevant competent authority is designated as controller in relation to personal data processed by it for the purposes of the performance of its functions under this Act and the Artificial Intelligence Regulation.
- (3) Personal data processed for the purposes referred to in *subsection (1)* shall not be retained for any period beyond which it is required and shall be permanently deleted after it is no longer required.

Regulations concerning data protection for relevant competent authorities

66. Without prejudice to the generality of *section 3*, the relevant Minister may, after consultation with the relevant competent authority, make regulations for any or all of the following:

- (a) the types and forms of processing which may be carried out;
- (b) the personal data that may be processed;
- (c) the circumstances in which the personal data may be processed, including specifying the persons to whom the data may be disclosed;
- (d) suitable and specific measures, including measures referred to in section 36(1) of the Act of 2018, to safeguard the fundamental rights and freedoms of data subjects in the processing of personal data, including special categories of personal data under this Act;
- (e) where the processing involves data relating to the health of a data subject, additional measures to be taken to safeguard the processing of that data;
- (f) the period of time during which personal data or special categories of personal data may be processed;
- (g) where possible, the proposed time limit within which each category of personal data shall be erased;
- (h) such other conditions (if any) as the Minister considers appropriate to impose on such processing.

PART 5

SUPERVISION AND ENFORCEMENT

Definitions (*Part 5*)

67. In this Part—

“investigation”, other than in *section 76*, means any market surveillance activities including those powers under *section 70*, carried out on behalf of a relevant market surveillance authority, in accordance with this Part for the purpose of ensuring effective enforcement of the Artificial Intelligence Regulation and this Act;

“premises” includes a place, land, water and any fixed or moveable structure thereon and a vessel, a vehicle, a train, an aircraft and other means of transport.

Appointment of authorised officers

68. (1) A relevant market surveillance authority may appoint such and so many persons as it thinks fit to be authorised officers to assist in the carrying out of its functions under this Act and the Artificial Intelligence Regulation.

- (2) A relevant market surveillance authority may revoke in writing an appointment made by it under *subsection (1)*.
- (3) An authorised officer shall be furnished with a warrant of appointment and, when exercising any power conferred on him or her under this Act, shall, if requested by any person thereby affected, produce the warrant or a copy of it to that person for inspection, together with a form of personal identification.
- (4) An appointment under this section shall cease—
 - (a) on the revocation of the appointment by the relevant market surveillance authority under *subsection (2)*,
 - (b) where the appointment is for a fixed period, on the expiry of that period,
 - (c) in the case of a person who, at the time of appointment, was a member of staff of the relevant market surveillance authority, upon the person ceasing to be such a member of staff, or
 - (d) on the person's resignation.

Indemnification of authorised officers

- 69.** Where a relevant market surveillance authority is satisfied that an authorised officer has discharged his or her duties in pursuance of the functions of the relevant market surveillance authority under this Act or the Artificial Intelligence Regulation in good faith, the relevant market surveillance authority shall, subject to such terms and conditions that the relevant market surveillance authority may determine from time to time, indemnify that authorised officer in the manner and to the extent that the relevant market surveillance authority may determine against all actions or claims however they arise in respect of the discharge by the authorised officer of his or her duties.

Powers of authorised officers

- 70.** (1) For the purpose of assisting a relevant market surveillance authority in the carrying out of its functions under this Act or the Artificial Intelligence Regulation, an authorised officer may, in addition to any other powers provided under this Part or *Part 6*—
- (a) subject to *subsections (3) and (4)*, enter (if necessary by the use of reasonable force) or, where the premises is a vehicle, stop and enter (if necessary by the use of reasonable force) any premises at or in which the authorised officer reasonably suspects that—
 - (i) a relevant AI product or relevant material—
 - (I) is located or operated, or
 - (II) is, has or is likely to be placed on the market, put into service, made available on the market or otherwise manufactured, designed, developed, deployed, imported or distributed,

or

- (ii) records in any format relating to a relevant AI product or relevant material are kept,
- and search and inspect the premises and any records, relevant material or relevant AI products found there,
- (b) secure for later inspection for such period as may reasonably be necessary for the purposes of his or her functions under this Act—
 - (i) any premises or part of a premises referred to in *paragraph (a)*, or
 - (ii) any relevant AI products, relevant material or records referred to in *paragraph (a)* and any data equipment in which those relevant AI products, relevant material or records may be held,
- (c) require any person in charge of, or employed in, a premises referred to in *paragraph (a)*, or any other person having control over such a premises—
 - (i) to produce to the authorised officer any relevant AI products or relevant material, or records relating to a relevant AI product or relevant material, that are in the person's possession or power to procure or control (and, in the case of such products, materials or records which may be in a non-legible form, to reproduce those products, materials or records in a permanent legible form), and
 - (ii) to give to the authorised officer such information as the authorised officer may reasonably require in relation to any entries in such records or in relation to relevant material,
- (d) search, inspect and take copies of or extracts from any relevant AI product or relevant material, or records relating to a relevant AI product or relevant material (including, in the case of information in non-legible form, a copy of or extract from such information in a permanent legible form),
- (e) take any measurements or photographs and make any tape, electrical or other recordings that the authorised officer considers necessary for the purposes of his or her functions under this Act,
- (f) where the authorised officer reasonably suspects that there has been a contravention of this Act or an infringement of the Artificial Intelligence Regulation, remove and detain a relevant AI product or relevant material, or records relating to a relevant AI product or relevant material, for such period as may reasonably be necessary for the purposes of his or her functions under this Act,
- (g) require any person in charge of or employed in a premises at which the authorised officer finds a relevant AI product or relevant material, or any person who appears to the authorised officer to be in possession of such a relevant AI product or relevant material, to supply without payment, including by remote means if so requested, sufficient samples thereof for testing, examination or analysis,

- (h) require any person to give the authorised officer such information as the authorised officer may reasonably require for the purposes of his or her functions under this Act, in relation to—
 - (i) a relevant AI product or relevant material, or records relating to a relevant AI product or relevant material, or models of other relevant AI products that have the same technical elements as the relevant AI product in question, or
 - (ii) ascertaining the ownership of websites, where the information in question is related to the subject matter of the investigation,
- (i) require by notice, at a time and place specified in the notice, any person to give the authorised officer any information that the authorised officer may reasonably require for the performance of his or her functions, and to produce to the authorised officer any records that are in that person's possession or power to procure or control, in relation to—
 - (i) a premises referred to in *paragraph (a)*,
 - (ii) any activity, installation or procedure at such a premises, or
 - (iii) a relevant AI product or relevant material,
- (j) require any person to afford the authorised officer such facilities and assistance within the person's control or responsibilities as are reasonably necessary to enable the authorised officer to perform his or her functions under this Act,
- (k) examine any procedure connected with the manufacture, design, development, import or distribution of a relevant AI product or relevant material, and
- (l) by entering a premises referred to in *paragraph (a)* or by remote means—
 - (i) on paying or making tender of payment therefor, take any of the relevant AI products,
 - (ii) confirm by such other method as appropriate any other information relating to the relevant AI products, or
 - (iii) acquire samples of relevant AI products, including under a cover identity, for the purpose of—
 - (I) inspection, testing and technical analysis to identify non-compliance with this Act or the Artificial Intelligence Regulation, and
 - (II) obtaining evidence.
- (2) An authorised officer may, in the performance of his or her functions under this Act—
 - (a) operate any data equipment or cause any such data equipment to be operated by a person accompanying the authorised officer, and
 - (b) require any person who appears to the authorised officer to be in a position to facilitate access to the records stored in any data equipment, or which can be accessed by the use of that data equipment, to give the authorised officer all

reasonable assistance in relation to the operation of the data equipment or access to the records stored in it, including by—

- (i) providing the records to the authorised officer in a form in which they can be taken and in which they are, or can be made, legible and comprehensible,
 - (ii) giving to the authorised officer any password necessary to make the records concerned legible and comprehensible, or
 - (iii) otherwise enabling the authorised officer to examine the records in a form in which they are legible and comprehensible.
- (3) An authorised officer shall not enter a dwelling, other than with the consent of the occupier, unless the authorised officer has obtained a warrant from the District Court under *subsection (6)* or *section 76* authorising such entry.
- (4) Subject to *subsection (8)*, where an authorised officer in the exercise of powers under this Act is prevented from entering any premises or where the premises concerned is a dwelling, an application may be made to the District Court under *subsection (6)* for a warrant authorising such entry.
- (5) An authorised officer may, where the authorised officer considers it necessary, be accompanied by a member of An Garda Síochána when performing any powers conferred on the authorised officer under this Act.
- (6) Where a judge of the District Court is satisfied, on information provided by an authorised officer on oath or affirmation, that there are reasonable grounds for suspecting that, at any premises or any part of any premises—
- (a) there is information required by an authorised officer for the purposes of his or her functions under this Act,
 - (b) there is a relevant AI product or relevant material, or records relating to a relevant AI product or relevant material, that an authorised officer requires to inspect for the purposes of his or her functions under this Act, or
 - (c) inspection is likely to disclose evidence of a contravention of this Act or an infringement of the Artificial Intelligence Regulation,
- the judge may issue a warrant authorising the authorised officer, accompanied by such other authorised officers or members of An Garda Síochána as may be necessary, at any time or times not later than one month from the date of issue of the warrant, on production of the warrant if so requested, to enter the premises using reasonable force where necessary and exercise all or any of the powers conferred on an authorised officer under this Act.
- (7) An application under *subsection (6)* shall be made to a judge of the District Court in whose District Court district the premises is situated.
- (8) Where an authorised officer is assigned to assist with an inspection referred to in *section 76(2)*, any application for a warrant in relation to that inspection shall be made and determined in accordance with that section.
- (9) A person shall not—

- (a) obstruct or interfere with an authorised officer in the exercise of the authorised officer's powers under this Act,
 - (b) without reasonable excuse, fail to comply with a request or a requirement of an authorised officer under this Act, or
 - (c) make a statement or give information to an authorised officer that the person knows is incorrect, incomplete or misleading.
- (10) A person who contravenes *paragraph (a)* or *(b)* of *subsection (9)* shall be guilty of an offence.
- (11) In this section—

“data equipment” includes a computer;

“record” means any memorandum, book, report, statement, register, plan, chart, map, drawing, specification, diagram, program, algorithm, data, code, software, formula, pictorial or graphic work or other document, any photograph, film or recording (whether of sound or images or both), any form (including machine-readable form) or thing in which data (such as engineering data or personal data) or information is held or stored manually, mechanically, digitally or electronically and anything that is a part or a copy in any form, of any of, or any combination of, the foregoing, whether claimed as confidential or not;

“relevant material” means any information, device, part, component, element, substance or process used in the manufacture, design, development, deployment, importation or distribution of a relevant AI product.

Contravention notice

71. (1) An authorised officer who reasonably suspects that a person is infringing or has infringed a provision of the Artificial Intelligence Regulation to which this section applies may serve a notice (in this Act referred to as a “contravention notice”) on the person.
- (2) A contravention notice shall—
- (a) state that the authorised officer is of the opinion referred to in *subsection (1)*,
 - (b) specify the grounds for the opinion,
 - (c) specify the provision or provisions to which the contravention notice applies,
 - (d) direct that the person to whom the notice is addressed do one or more of the following:
 - (i) remedy the infringement to which the notice relates;
 - (ii) refrain from placing on the market the relevant AI product to which the notice relates;
 - (iii) refrain from making available on the market the relevant AI product to which the notice relates;

- (iv) refrain from putting into service the relevant AI product to which the notice relates;
 - (v) withdraw the relevant AI product to which the notice relates from the market;
 - (vi) recall the relevant AI product to which the notice relates;
 - (vii) dispose of (within the meaning of *section 73(3)*) the relevant AI product to which the notice relates;
 - (viii) destroy the relevant AI product to which the notice relates,
by a date specified in the notice that shall not be earlier than the expiration of the period within which an appeal may be made under *subsection (6)*,
 - (e) include information regarding the making of an appeal under *subsection (6)*,
 - (f) include any other requirement that the authorised officer considers appropriate including specific measures to be taken to ensure compliance with any provisions of the Artificial Intelligence Regulation to which the contravention notice relates, and
 - (g) be signed and dated by the authorised officer.
- (3) Subject to *subsections (8) and (9)*, a contravention notice shall take effect on the date specified for the purpose of *subsection (2)(d)*.
- (4) A person on whom a contravention notice has been served who is of the opinion that the requirements set out in the contravention notice have been complied with shall confirm in writing to the authorised officer concerned that the requirements set out in the notice have been complied with.
- (5) Where a person on whom a contravention notice has been served confirms in writing in accordance with *subsection (4)* that the specific requirements set out in the contravention notice have been complied with, the authorised officer concerned shall, on being satisfied that the requirements have been so complied with, not later than one month from the date of receipt of such confirmation, give notice to the person concerned of compliance with the contravention notice.
- (6) A person on whom a contravention notice is served may, not later than 14 working days from the day following the day on which the notice is served, appeal to a judge of the District Court in whose district the person ordinarily resides or carries on business, and in determining the appeal the judge may—
- (a) if satisfied that in the circumstances of the case it is reasonable to do so, confirm the contravention notice, with or without modification, or
 - (b) cancel the contravention notice.
- (7) A person who appeals a contravention notice under *subsection (6)* shall at the same time notify the relevant market surveillance authority in relation to which the authorised officer stands appointed of the appeal and the grounds for the appeal and the relevant market surveillance authority concerned shall be entitled to appear, be heard and adduce evidence on the hearing of the appeal.

- (8) A contravention notice shall take effect—
 - (a) where the period for the bringing of an appeal against the notice referred to in *subsection (6)* has expired and no appeal has been made, on the expiration of that period or such later period as may be specified in the contravention notice for the purpose of *subsection (2)(d)*, or
 - (b) where an appeal has been brought and the notice is confirmed with or without modification under *subsection (6)(a)*, on such confirmation.
- (9) An authorised officer may, by notice in writing to the person to whom a contravention notice was served under *subsection (1)*—
 - (a) withdraw the notice at any time, or
 - (b) at any time before an appeal is made under *subsection (6)*, extend the period specified for the purpose of *subsection (2)(d)*.
- (10) A person who, without reasonable excuse, fails or refuses to comply with a requirement specified in a contravention notice by the date on which it takes effect shall be guilty of an offence.
- (11) This section applies to the following provisions:
 - (a) Article 16;
 - (b) Article 23;
 - (c) Article 24;
 - (d) Article 26;
 - (e) Article 27(3);
 - (f) Article 50.

Prohibition notice

- 72.** (1) An authorised officer who reasonably suspects that—
- (a) a person has infringed Article 5, or
 - (b) a relevant AI product presents a risk to the health or safety of persons, to fundamental rights, or to other aspects of public interest protection,
- may serve a notice (in this Act referred to as a “prohibition notice”) on the person referred to in *paragraph (a)* or the operator of the relevant AI product referred to in *paragraph (b)*, as the case may be, in accordance with *subsection (2)*.
- (2) A prohibition notice shall—
- (a) state that the authorised officer is of the opinion that there has been an infringement referred to in *subsection (1)(a)* or that a relevant AI product presents a risk referred to in *subsection (1)(b)*,

- (b) where the authorised officer is of the opinion that there has been an infringement referred to in *subsection (1)(a)*, specify the provisions of the Artificial Intelligence Regulation in relation to which the suspected infringement relates,
 - (c) direct the person on whom the prohibition notice is served to ensure that the relevant AI product the subject of the notice—
 - (i) is not to be placed or made available on the market or put into service until such time as all appropriate measures, including corrective measures, have been taken—
 - (I) to bring the relevant AI product into compliance with the Artificial Intelligence Regulation, or
 - (II) to ensure that the relevant AI product no longer presents the risk referred to in *subsection (1)(b)*,
 - (ii) is prohibited from being placed or made available on the market or put into service,
 - (iii) is withdrawn or recalled within a specified time limit,
 - (iv) is destroyed or disposed of (within the meaning of *section 73(3)*) within the time limit specified in the notice and in a manner specified by the authorised officer or is to be detained for the purposes of destruction by an authorised officer, or
 - (v) is detained and provided to the authorised officer for the purposes of disposal by the authorised officer,and
 - (d) be signed and dated by the authorised officer serving it.
- (3) A prohibition notice may include directions—
- (a) as to the measures to be taken to remedy any infringement or matter to which the prohibition notice relates, or to otherwise comply with the prohibition notice, and
 - (b) to bring the prohibition notice to the attention of any person who may be affected by it, or to the public generally.
- (4) A prohibition notice shall take effect—
- (a) where the prohibition notice so states, upon its receipt by the person on whom it is served, or
 - (b) in any other case, on the later of—
 - (i) the day specified in the prohibition notice as the day on which it is to come into effect, or
 - (ii) the day following the day on which the period within which an appeal may be made under *subsection (6)* ends.

- (5) (a) In the event of non-compliance with a prohibition notice by the person on whom the notice has been served, an authorised officer shall take whatever steps he or she considers necessary to ensure compliance with the notice.
- (b) The steps that may be taken under *paragraph (a)* may include the withdrawal, recall, seizure and destruction of the relevant AI products in question or the making of any arrangements for such withdrawal, recall, seizure and destruction.
- (6) (a) A person on whom a prohibition notice is served may, not later than 7 working days from the day on which the prohibition notice is served, appeal against the notice (and a person who so appeals is referred to in this section as an “appellant”) to a judge of the District Court in the District Court district in which the person ordinarily resides or carries on business and in determining the appeal the judge may—
 - (i) if satisfied that in the circumstances of the case it is reasonable to do so, confirm the prohibition notice, with or without modification, or
 - (ii) cancel the prohibition notice.
- (b) Where a prohibition notice is confirmed under *paragraph (a)(i)*, the judge of the District Court by whom the appeal is heard may, on the application of the appellant in accordance with *subsection (7)*, suspend the operation of the prohibition notice for such period as in the circumstances of the case the judge considers appropriate.
- (7) The bringing of an appeal under *subsection (6)* against a prohibition notice shall not have the effect of suspending the operation of the prohibition notice, but the appellant may apply to the District Court to have the operation of the prohibition notice suspended until the appeal is disposed of and, on such application, the District Court may, if it thinks it proper to do so, direct that the operation of the prohibition notice be suspended until the appeal is disposed of.
- (8) A person who appeals against a prohibition notice under *subsection (6)* or who applies for a suspension of the application of the prohibition notice under *subsection (7)* shall at the same time notify the relevant market surveillance authority in relation to which the authorised officer stands appointed of the appeal or the application and the grounds for the appeal or the application and the relevant market surveillance authority concerned shall be entitled to appear, be heard and adduce evidence on the hearing of the appeal or the application.
- (9) An authorised officer may by notice in writing to the person on whom the prohibition notice was served—
 - (a) where he or she is satisfied that *subsection (1)(a)* or *(b)*, as the case may be, no longer applies, revoke a prohibition notice, or
 - (b) for stated reasons, vary a prohibition notice.
- (10) (a) Where any action by a person in respect of whom a prohibition notice is served is taken in contravention of a prohibition notice, the High Court may, on the

application to it by the relevant market surveillance authority in relation to which the authorised officer concerned stands appointed, by order prohibit such action.

- (b) An application to the High Court for an order under this subsection shall be made by motion on notice to the person on whom the prohibition notice was served and the court, when considering the matter, may make such interim or interlocutory order (if any) as it considers appropriate and an order under *paragraph (a)* may contain such order (if any) as to the payment of costs as the court considers appropriate.
- (11) The costs of destruction, disposal or detention under *subsection (2)(c)(iv)* or *(v)* or of withdrawal, recall, seizure or destruction under *subsection (5)* may be charged to the person on whom the prohibition notice has been served or, where known and appropriate, an operator of the relevant AI product the subject of the prohibition notice.
- (12) A person who, without reasonable excuse, fails or refuses to comply with a prohibition notice within the period specified in the notice shall be guilty of an offence.

Seizure and disposal of unsafe relevant AI products

- 73.** (1) Notwithstanding *sections 71* and *72*, where a relevant AI product appears to an authorised officer to present a risk, including a risk to health, safety or fundamental rights, the authorised officer may direct that the product be seized and, subject to *subsection (2)*, destroyed or otherwise disposed of by the authorised officer in such manner and at such time and place as the authorised officer may direct, and the costs of seizure, destruction and disposal may be charged to the operator of the relevant AI product or to the person to whom the direction is given.
- (2) A direction to destroy or otherwise dispose of a relevant AI product under *subsection (1)* shall not take effect until—
- (a) where the period for bringing an appeal under *section 77* in relation to that direction has expired and no appeal has been made, the expiration of that period, or
 - (b) where an appeal is made under *section 77* in relation to that direction, the determination of the appeal or such other time as the appropriate court (within the meaning of that section) may determine.
- (3) In this section, “disposed of” includes any manner of disposal which in the opinion of the authorised officer will least endanger the public, and includes—
- (a) the surrender of the relevant AI product to a member of An Garda Síochána, or to any other competent authority or organisation for its destruction, or
 - (b) the certified return of the relevant AI product to the operator who manufactured, designed, developed, deployed, imported, distributed or supplied the relevant AI product, in order to withdraw or recall it, at the expense of the operator, manager or person having lawful possession of the relevant AI product at the time of seizure, where known.

- (4) An authorised officer, when taking a measure referred to in *subsection (1)*, shall notify the person to whom the direction was given in writing, setting out—
- (a) the reasons for the measure, and
 - (b) the right of appeal under *section 77*.

Forfeiture order

- 74.** (1) An authorised officer may apply to the District Court for an order (in this Act referred to as a “forfeiture order”) for the forfeiture to the relevant market surveillance authority in relation to which the authorised officer stands appointed of a relevant AI product on the grounds that the relevant AI product, when properly stored and used for its intended purpose, endangers the health and safety of persons.
- (2) An application under this section shall be made to a judge of the District Court in whose District Court district the person against whom the forfeiture order is sought ordinarily resides or carries on business.
- (3) A forfeiture order may contain such provision as appears to the District Court to be appropriate for delaying the coming into force of the order pending the making and determination of any appeal.
- (4) Subject to *subsection (3)*, a relevant AI product the subject of a forfeiture order may be seized by the relevant market surveillance authority concerned.
- (5) Subject to *subsections (3) and (6)*, where a relevant AI product is forfeited under a forfeiture order, it shall be disposed of or destroyed in accordance with such directions as the District Court may give.
- (6) On making a forfeiture order the District Court may, if it considers it appropriate to do so, direct that the relevant AI product to which the order relates shall, instead of being destroyed, be released to such person and on such conditions as the court may specify.
- (7) A person aggrieved by the making of a forfeiture order or by a decision of the District Court not to make such an order, may appeal against that order or decision to the Circuit Court.
- (8) An appeal under *subsection (7)* shall be made to a judge of the Circuit Court circuit in which the appellant ordinarily resides or carries on business.
- (9) On the hearing of an appeal brought under *subsection (7)*, the Circuit Court may either confirm or vary the order or decision, or allow the appeal.
- (10) A decision of the Circuit Court under *subsection (9)* shall be final save that, by leave of the court, an appeal from the decision shall lie to the High Court on a specified point of law.

Notice for removal of content to eliminate serious risk

- 75.** (1) Where an authorised officer considers that there are no other effective means to eliminate a serious risk, an authorised officer may issue a notice (in this Act referred to as a “notice for removal of content to eliminate serious risk”) to the operator of a

relevant AI product to eliminate the serious risk, which notice may require within the period specified in the notice:

- (a) the removal of content referring to the relevant AI products related to the serious risk from an online interface;
 - (b) the explicit display of a warning to end users when they access an online interface;
 - (c) where a requirement under *paragraph (a) or (b)* has not been complied with, the restriction of access by information society service providers to the online interface, including by requesting a relevant third party to implement such measures.
- (2) A person who has been issued a notice for removal of content to eliminate serious risk shall comply with the notice within the period specified in the notice.
 - (3) A notice for removal of content to eliminate serious risk shall include information on the right to appeal under *section 77*.
 - (4) A person who, without reasonable excuse, fails to comply with a notice for removal of content to eliminate serious risk within the period specified in the notice shall be guilty of an offence.
 - (5) A word or expression that is used in this section and is also used in the Market Surveillance Regulation has, unless the context otherwise requires, the same meaning in this section as it has in the Market Surveillance Regulation.

Powers of authorised officers to provide necessary assistance to European Commission for purpose of Article 74(11)

- 76.** (1) Where a relevant market surveillance authority is requested by the European Commission to propose or take part in joint activities or joint investigations in accordance with Article 74(11), the authority may assign such authorised officers as it considers necessary to assist in such activities or investigations.
- (2) For the purpose of assisting the European Commission and a Member State market surveillance authority with a joint activity or investigation conducted by the European Commission or Member State market surveillance authorities, as the case may be, in accordance with Article 74(11), an authorised officer may, on production of a warrant issued under *subsection (3)*, enter premises using reasonable force where necessary, and provide any other necessary assistance to enable the officials and other accompanying persons authorised by the European Commission or Member State market surveillance authorities to conduct the inspection in accordance with Article 74(11).
- (3) Where an authorised officer provides information on oath or affirmation to a judge of the District Court for the purpose of a warrant being issued in relation to an inspection referred to in *subsection (2)*—
- (a) the information on oath or affirmation so provided shall include—

- (i) a statement to the effect that the information on oath or affirmation is being provided in relation to an inspection referred to in *subsection (2)*, and
 - (ii) sufficient information to allow the judge of the District Court to consider a matter under this section,
 - (b) before issuing the warrant, the judge of the District Court shall have regard to the matters under Article 74(11), and
 - (c) the judge of the District Court shall, where he or she is satisfied as regards the matters referred to in Article 74(11), issue a warrant authorising an authorised officer (accompanied by such other authorised officers or members of An Garda Síochána or both) at any time or times not later than one month from the date of issue of the warrant, on production if so requested of the warrant, to enter the premises using reasonable force where necessary, and provide any other necessary assistance to enable the officials and other accompanying persons authorised by the European Commission or Member State market surveillance authorities to conduct their inspection in accordance with Article 74(11).
- (4) An application under this section shall be made to a judge of the District Court in the District Court district within which the operator or other relevant person the subject of the investigation ordinarily resides or carries on business.

Right of appeal against certain measures

77. (1) A person aggrieved by a direction or measure taken under *section 73* or a notice for removal of content to eliminate serious risk under *section 75* may appeal to the appropriate court against the direction, measure or notice concerned.
- (2) An appeal under this section shall be made to the appropriate court not later than 14 working days from the date of the notification under *section 73(4)* or *75(1)*, as the case may be.
- (3) Notice of an appeal under this section shall be provided to the relevant market surveillance authority concerned at the same time as the appeal is made.
- (4) The bringing of an appeal under *subsection (1)* against a direction, measure or notice shall not have the effect of suspending the operation of the direction, measure or notice concerned, but the appellant may apply to the appropriate court to have the operation of the direction, measure or notice concerned suspended until the appeal is disposed of and, on such application, the appropriate court may, if it thinks it proper to do so, direct that the operation of the direction, measure or notice concerned be suspended until the appeal is disposed of.
- (5) On the hearing of an appeal under this section, the appropriate court may either confirm or vary the direction, measure or notice concerned or allow the appeal and make any other such order as it considers appropriate.
- (6) In this section, “appropriate court” means—
- (a) in the case of an appeal relating to a direction or measure under *section 73*—

- (i) where the estimated value of the relevant AI product or products concerned do not exceed such sum as stands specified by an enactment to be the limit of the jurisdiction of the District Court for actions in tort, the District Court,
 - (ii) where the estimated value of the relevant AI product or products concerned do not exceed such sum as stands specified by an enactment to be the limit of the jurisdiction of the Circuit Court for actions in tort (other than personal injuries), the Circuit Court, and
 - (iii) in any other case, the High Court,
- and
- (b) in the case of an appeal relating to a notice for removal of content to eliminate serious risk, the High Court.

PART 6

ADJUDICATION AND ADMINISTRATIVE FINES

CHAPTER 1

Preliminary and general

Definitions (*Part 6*)

78. In this Part—

“adjudication” has the meaning given to it in *section 102(1)(a)*;

“adjudication proceedings” means any process, including an oral hearing, by which an adjudicator considers a matter referred to an adjudicator;

“adjudication subject” has the meaning given to it in *section 84(1)*;

“applicable market surveillance authority” means each of the following relevant market surveillance authorities:

- (a) Coimisiún na Meán;
- (b) the Commission for Railway Regulation;
- (c) the Commission for Communications Regulation;
- (d) the Commission for Regulation of Utilities;
- (e) the Data Protection Commission;
- (f) the Health and Safety Authority;
- (g) the Health Products Regulatory Authority;
- (h) the Health Service Executive;
- (i) the Marine Survey Office of the Department of Transport;

(j) the National Transport Authority;

(k) the Workplace Relations Commission;

“investigation” has the meaning given to it in *Part 5*;

“notice of suspected non-compliance” has the meaning given to it in *section 79*;

“notified person” means a person on whom a notice of suspected non-compliance is served;

“oral hearing” shall be construed in accordance with *section 91*;

“parties concerned”, in relation to adjudication proceedings, means the adjudication subject and the applicable market surveillance authority that consents, under *section 83(1)*, to referring the matter to the adjudicator.

CHAPTER 2

Procedure preliminary to referral for adjudication

Notice of suspected non-compliance

79. (1) Where an authorised officer reasonably suspects that a person has infringed a provision of the Artificial Intelligence Regulation referred to in paragraph (3) or (4) of Article 99 or has committed an infringement referred to in paragraph (5) of that Article, the authorised officer may serve a notice (in this Part referred to as a “notice of suspected non-compliance”) on the person which shall—

- (a) inform the person of the suspected infringement,
- (b) set out the grounds on which the authorised officer suspects that there has been an infringement,
- (c) set out the information relied upon by the authorised officer in forming that suspicion, subject to such redactions or exclusions as the authorised officer considers appropriate, and
- (d) inform the person of the right to make submissions in accordance with *subsection (2)*, and specify the period within which they may do so.

(2) A notified person may make submissions to the authorised officer on any matter referred to in the notice of suspected non-compliance within—

- (a) such period as is specified in the notice, or
- (b) such longer period as the authorised officer considers appropriate, which period shall be specified in a further notice served on the notified person before the expiry of the period specified in the notice referred to in *paragraph (a)*.

Matters supplemental to a notice of suspected non-compliance

80. (1) Where an authorised officer—

- (a) has served a notice of suspected non-compliance on a person, and

(b) considers that it is necessary to do so—

- (i) in light of new information or material relating to the infringement referred to in the notice of suspected non-compliance, or
- (ii) for any other reason materially affecting the notice of suspected non-compliance,

the authorised officer may serve a supplemental notice on the notified person setting out the authorised officer's view on the information, material or reasons, as the case may be, and shall inform the person that they may make submissions in accordance with *subsection (2)*, and the period within which they may do so.

(2) A notified person may make submissions to the authorised officer on any matter referred to in the notice served under *subsection (1)* within—

- (a) such period as is specified in the notice, or
- (b) such longer period as the authorised officer considers appropriate, which period shall be specified in a notice served on the notified person before the expiry of the period specified in the notice of suspected non-compliance.

(3) Where an authorised officer—

- (a) has served a notice of suspected non-compliance on a person, and
 - (b) no longer suspects the person of infringing the Artificial Intelligence Regulation,
- the authorised officer shall serve a notice on the person informing the person of that fact, and the notice of suspected non-compliance shall have no effect from the date the notice under this subsection is served.

Publication of notice

81. (1) An applicable market surveillance authority may publish a notice of suspected non-compliance, and any notice referred to in *section 80*, on a website maintained by or on behalf of the market surveillance authority subject to such exclusions or redactions as it considers appropriate.

(2) An applicable market surveillance authority shall not publish personal data under this section.

Actions by authorised officer following investigation

82. Where an authorised officer, having carried out an investigation, served a notice of suspected non-compliance on a person and considered any submissions received under *section 79(2)* and *section 80(2)*, considers that a person has infringed a provision of the Artificial Intelligence Regulation referred to in paragraph (3) or (4) of Article 99 or has committed an infringement referred to in paragraph (5) of that Article, the authorised officer—

- (a) shall inform the applicable market surveillance authority of that fact, and
- (b) may refer the matter for adjudication in accordance with *section 83*.

Referral of matters for adjudication

- 83.** (1) An authorised officer may, with the consent of the applicable market surveillance authority, by notice in writing to the Office, refer a matter for adjudication in accordance with this section.
- (2) The Office shall, as soon as practicable after receiving a notice under *subsection (1)*—
- (a) assign an adjudicator in accordance with *Schedule 2* to whom the matter will be referred, and
 - (b) notify in writing the authorised officer referred to in *subsection (1)* and the applicable market surveillance authority of the adjudicator so assigned and the means by which the adjudicator may be contacted.
- (3) The adjudicator referred to in *subsection (2)* shall—
- (a) from the date on which the notice in *paragraph (b)* of that subsection is served, perform the functions of an adjudicator in relation to the matter, and
 - (b) enter into a contract relating to that matter with the applicable market surveillance authority in accordance with *section 119* and with any regulations made under that section.

Information and documentation to be provided when making referral

- 84.** (1) As soon as practicable after receiving a notice under *section 83(2)(b)*, the applicable market surveillance authority shall provide the adjudicator and the person referred to in *section 82* who is suspected of an infringement (in this Part referred to as the “adjudication subject”) with—
- (a) a description of the facts of the matter,
 - (b) details of the suspected infringement of a provision of the Artificial Intelligence Regulation referred to in paragraph (3) or (4) of Article 99, or referred to in paragraph (5) of that Article, including information and documentation relied upon by the authorised officer,
 - (c) a copy of the notice of suspected non-compliance served on the adjudication subject in relation to the matter,
 - (d) a copy of a contravention notice (if any) served on the adjudication subject in relation to the matter,
 - (e) a copy of a prohibition notice (if any) served on the adjudication subject in relation to the matter,
 - (f) a copy of a forfeiture order (if any) made in relation to the adjudication subject in relation to the matter,
 - (g) a copy of a notice for removal of content to eliminate serious risk (if any) served on the adjudication subject in relation to the matter,
 - (h) a copy of a notice (if any) served on the adjudication subject under *section 80*,

- (i) a summary of submissions (if any) made by the adjudication subject to the authorised officer during the investigation, including under *section 79(2)* and *section 80(2)*,
 - (j) the authorised officer's view on the extent to which the adjudication subject co-operated with the investigation, and
 - (k) any other information the market surveillance authority considers relevant to the matter.
- (2) When providing information or documentation under this section to the adjudication subject, the applicable market surveillance authority may provide the information subject to such exclusions or redactions as it considers necessary to protect the rights of any person or to avoid providing information that the applicable market surveillance authority considers to be commercially sensitive.

Withdrawal of matter referred to adjudicator

85. (1) A matter referred to an adjudicator may be withdrawn by the applicable market surveillance authority by notice in writing to the adjudicator at any time before the adjudicator makes a finding under *section 99*.
- (2) Where a matter is withdrawn under this section, the adjudicator shall—
- (a) notify the adjudication subject of the withdrawal, and
 - (b) take no further action in relation to the matter.

Power of applicable market surveillance authority to share certain documents

86. (1) An applicable market surveillance authority may provide a copy of any notice or document referred to in *section 79, 80* or *84* to such person as the market surveillance authority considers appropriate.
- (2) The applicable market surveillance authority may provide copies under *subsection (1)* subject to such exclusions or redactions as it considers appropriate.

CHAPTER 3

Role and powers of adjudicator following referral

Role and powers of adjudicator

87. An adjudicator shall, in a manner that is independent of the parties concerned and of any other person—
- (a) resolve any issue of fact relevant to a matter referred to the adjudicator under *section 83*, and
 - (b) exercise the powers of an adjudicator under this Act in order to satisfy himself or herself as to any other matter he or she considers necessary in order to make a finding under *section 99*.

Notification by adjudicator following referral

88. As soon as practicable after a referral is made to an adjudicator under *section 83*, the adjudicator shall serve a notice on the adjudication subject stating that the adjudication subject may make written submissions to the adjudicator on any matter referred to in *section 84(1)* within—

- (a) the period of 30 working days beginning on the date of service of the notice, or
- (b) such longer period as the adjudicator considers appropriate, which period shall be specified in a notice served on the adjudication subject before the expiry of the period specified in the original notice.

Power of direction

89. (1) For the purposes of adjudication proceedings, an adjudicator may, on application by a party concerned or of the adjudicator's own motion, direct a party concerned, within such period as the adjudicator may specify, to—

- (a) answer a question, on oath or affirmation or otherwise,
- (b) provide material or information or produce records in its power or control,
- (c) clarify an issue of fact, or
- (d) provide further information.

(2) Where a person fails to comply with a direction under *subsection (1)* within the period specified in the direction, the High Court, on summary application by—

- (a) a party concerned on notice to the person and to the adjudicator, or
- (b) the adjudicator on notice to the person and to the parties concerned,

may by order require that person to comply with the direction within such period as it may specify, and may make such other orders as it considers appropriate.

(3) A person shall be guilty of an offence if the person—

- (a) fails to comply with a direction under this section, or
- (b) having been, or in anticipation of being, directed to provide material or information or produce records under *subsection (1)(b)*, intentionally or recklessly destroys or otherwise disposes of, falsifies or conceals such evidence or records.

(4) In this section, “record” means any memorandum, book, report, statement, register, plan, chart, map, drawing, specification, diagram, program, algorithm, data, code, software, formula, pictorial or graphic work or other document, any photograph, film or recording (whether of sound or images or both), any form (including machine-readable form) or thing in which data (such as engineering data or personal data) or information is held or stored manually, mechanically, digitally or electronically and anything that is a part or a copy in any form, of any of, or any combination of, the foregoing, whether claimed as confidential or not.

Request for information

- 90.** (1) For the purposes of adjudication proceedings, an adjudicator may, where the adjudicator considers it necessary, request information relevant to the matter referred to the adjudicator from any person other than a party concerned within such period as the adjudicator may specify.
- (2) As soon as practicable after receiving information in response to a request under *subsection (1)*, the adjudicator shall—
- (a) provide the parties concerned with a copy of the information subject to such exclusions or redactions as the adjudicator considers appropriate, and
 - (b) allow the parties concerned to make submissions on the information within such period as the adjudicator may specify.

Oral hearing

- 91.** (1) Where an adjudicator, having given a direction under *section 89*, is satisfied that there is a dispute of fact that cannot be resolved without an oral hearing, the adjudicator may hold an oral hearing.
- (2) *Schedule 1* shall have effect for the purposes of an oral hearing.

Reference on question of law to High Court

- 92.** (1) An adjudicator may, on his or her own initiative or at the request of a party concerned, refer any question of law to the High Court.
- (2) Where a question has been referred under *subsection (1)*, the adjudicator shall not, in adjudication proceedings to which the question relates—
- (a) make a finding under *section 99* or *100* on the matter while the reference to the High Court is pending, or
 - (b) proceed in a manner, or make a finding under *section 99* or *100*, that is inconsistent with the High Court's decision on the question.

Rules in relation to adjudication proceedings

- 93.** The Office may make rules on the conduct of adjudication proceedings.

Costs and expenses in adjudication proceedings

- 94.** (1) Each party concerned shall bear their own costs in adjudication proceedings.
- (2) A person from whom information is requested under *section 90* shall be liable for any expenses arising from responding to such a request.

Provision of false or misleading information to adjudicator

- 95.** Where a person provides information or evidence to an adjudicator in connection with adjudication proceedings, that person shall be guilty of an offence if—

- (a) the information or evidence is false or misleading in a material respect, and
- (b) the person knows, or ought reasonably to know, that it is false or misleading in a material respect.

CHAPTER 4

Treatment of evidence and information in relation to adjudication proceedings

Evidence in adjudication proceedings

96. (1) A document, statement or any other thing may be treated as evidence by an adjudicator in adjudication proceedings if it would be admissible as evidence before a court.

(2) If—

- (a) a document contains a statement by person A asserting that an act relating to an infringement of the Artificial Intelligence Regulation has been done, or is, or was, proposed to be done, by person B,
- (b) person A has done a similar act in relation to an infringement of the Artificial Intelligence Regulation (whether or not the same as the infringement person B is alleged to have done or proposed to do), and
- (c) the conditions in *subsection (3)* are satisfied,

the document and the statement shall be admissible in proceedings in respect of the infringement as evidence that the relevant act was done by person B or was proposed (at the time the statement was made, or, as the case may be, at a previous time) to be done by person B.

(3) The conditions referred to in *subsection (2)* are that the document referred to in that subsection—

- (a) has come into existence before the matter was referred to an adjudicator under *section 83*, and
- (b) has been prepared otherwise than in response to any enquiry made or question put by a member or officer of an applicable market surveillance authority, a member of An Garda Síochána or an officer of a Member State market surveillance authority.

(4) In estimating the weight, if any, to be attached to evidence admitted by virtue of this section, an adjudicator shall have regard to all the circumstances from which any inference can reasonably be drawn as to its accuracy or otherwise.

(5) Where a statement by a person is given in evidence in a matter being dealt with by an adjudicator—

- (a) any evidence which, if the person who made the statement had been called as a witness, would have been admissible as relevant to his or her credibility as a witness shall be admissible for that purpose,

- (b) evidence may, with the leave of an adjudicator, be given of any matter which, if that person had been called as a witness, could have been put to him or her in cross-examination as relevant to his or her credibility as a witness but of which evidence could not be adduced by the cross-examining party, and
 - (c) evidence tending to prove that that person, whether before or after making the statement, made (whether orally or not) a statement which is inconsistent with it shall, if not already admissible by virtue of any rule of law or other enactment, be admissible for the purpose of showing that he or she has contradicted himself or herself.
- (6) Nothing in this section shall prejudice the admissibility of any document, as evidence of any matters stated in it, that would be admissible before a court in civil proceedings by virtue of any rule of law or other enactment.
- (7) The provisions of Chapter 3 of Part 3 of the Civil Law and Criminal Law (Miscellaneous Provisions) Act 2020 shall apply to proceedings under this Part, subject to the following modifications:
- (a) a reference to “court” (other than in section 14(4) and 14(6)(a) of that Chapter) shall be taken to be a reference to an adjudicator,
 - (b) a reference to “civil proceedings” shall be taken to be a reference to a matter being dealt with by an adjudicator, and
 - (c) a reference to “civil trial” shall be taken to be a reference to an oral hearing before an adjudicator.

Use of certain information relevant to adjudication proceedings

97. (1) Subject to *subsection (2)*, where a person receives information referred to in *subsection (3)* in relation to adjudication proceedings, the person shall not use, produce, or otherwise rely on the information in any proceedings before a court before such time as the adjudication is confirmed under *section III*.
- (2) *Subsection (1)* shall not apply to proceedings relating to—
- (a) an application for a forfeiture order, or an appeal relating to such an application, or
 - (b) an appeal under *section 71(6), 72(6) or 77*.
- (3) *Subsection (1)* applies to the following information:
- (a) information prepared by a person in connection with an investigation by an authorised officer and for no other purpose;
 - (b) information prepared by a person in connection with adjudication proceedings and for no other purpose;
 - (c) information prepared by, and sent to an adjudication subject by, an authorised officer in the course of an investigation;

- (d) information created by, and sent to a person by, an adjudicator in the course of adjudication proceedings.

Prohibition on unauthorised disclosure of confidential information by adjudicators

98. (1) Subject to *subsection (2)*, a person who obtains confidential information while performing functions as an adjudicator under this Act shall not disclose that confidential information.

(2) A person does not contravene *subsection (1)* by disclosing confidential information if the disclosure—

- (a) is made in the performance of functions under this Act or the Artificial Intelligence Regulation,
- (b) is made to or authorised by a party concerned,
- (c) is made by a person in the circumstances referred to in section 35(2) of the Ethics in Public Office Act 1995,
- (d) is a protected disclosure within the meaning of the Protected Disclosures Act 2014,
- (e) is required or permitted by law, or
- (f) is made to a member of An Garda Síochána and, in the opinion of the person making the disclosure, the information may relate to the commission of an offence (whether an offence under this Act or not).

(3) A person who contravenes *subsection (1)* shall be guilty of an offence.

(4) In this section, “confidential information” means—

- (a) information of a commercially sensitive nature submitted to the applicable market surveillance authority by contractors, consultants or any other person for the purposes of the performance of the applicable market surveillance authority’s functions, or
- (b) other information that is expressed by the applicable market surveillance authority to be confidential either as regards particular information or as regards information of a particular class or description.

CHAPTER 5

Finding of adjudicator

Finding of adjudicator in relation to breach

99. (1) In any matter referred to an adjudicator, the adjudicator shall make a finding on whether, on the balance of probabilities, a person has committed the infringement of the Artificial Intelligence Regulation referred to in *section 84(1)(b)*.

(2) In making a finding under this section, an adjudicator shall consider the following:

- (a) a notice under *section 79* or *80* (if any) in relation to the suspected infringement;
- (b) the matters referred to in *section 84*;
- (c) any written submissions made by the adjudication subject under *section 79, 80* or *88*;
- (d) any submissions, statements, admissions, information, records or other evidence provided to the adjudicator in the course of the proceedings;
- (e) any prior adjudication that has been confirmed by the High Court under *section 111* that the adjudicator considers relevant.

Finding of adjudicator in relation to administrative fine

100. Where an adjudicator finds under *section 99* that a person has infringed a provision of the Artificial Intelligence Regulation referred to in paragraph (3) or (4) of Article 99 or has committed an infringement referred to in paragraph (5) of that Article, the adjudicator shall make a finding as to the amount of the administrative fine that should be imposed on the person and specify a date by which the person is required to pay the fine.

Notice of finding

101. As soon as practicable after making a finding under *section 99* or *100*, an adjudicator shall—

- (a) prepare a written record of the finding, which shall include—
 - (i) the reasons for the finding,
 - (ii) the material referred to in *section 99(2)*, or a summary of any such matter as the adjudicator considers appropriate,
 - (iii) information regarding appeals under *Chapter 7*,
 - (iv) the name of—
 - (I) the person responsible for the infringement, in the case of a finding that an infringement of the Artificial Intelligence Regulation took place, or
 - (II) the adjudication subject, in the case of a finding that an infringement of the Artificial Intelligence Regulation did not take place,
 - as the case may be,
 - (v) the nature of the infringement alleged, or found to have been committed,
 - (vi) the amount of the administrative fine to be imposed, if any, and
 - (vii) such other material as the adjudicator considers appropriate,
- and
- (b) notify the applicable market surveillance authority of the finding and provide it with the written record referred to in *paragraph (a)*.

Decision of applicable market surveillance authority in relation to finding

- 102.** (1) Where the finding under *section 99* is that a person has committed an infringement of the Artificial Intelligence Regulation, the applicable market surveillance authority shall, not later than 14 working days from the day on which the notice under *section 101(b)* is received—
- (a) adopt the finding in question (and a finding so adopted is referred to in this Part as an “adjudication”), or
 - (b) where it is not satisfied that a breach of the Artificial Intelligence Regulation has taken place, decline to adopt the finding.
- (2) Where the finding under *section 100* is that a person has not committed an infringement of the Artificial Intelligence Regulation, the applicable market surveillance authority shall, not later than 14 working days from the day on which the notice under *section 101(b)* is received, adopt the finding in question.
- (3) Where an applicable market surveillance authority decides to adopt a finding under *subsection (1)(a)*, it shall, as soon as practicable, by notice in writing to the adjudication subject—
- (a) inform the adjudication subject of its decision,
 - (b) provide a copy of the written record of the finding referred to in *section 101(a)*,
 - (c) state that any administrative fine imposed shall not take effect unless confirmed by the High Court under *section 111*, and
 - (d) state that, if the adjudication subject does not appeal the adjudication under *section 107*, the applicable market surveillance authority shall, as soon as is practicable after the expiration of the period referred to in *subsection (1)* of that section, make an application for confirmation of the adjudication in accordance with *section 111*.
- (4) Where the applicable market surveillance authority makes a decision referred to in *subsection (1)(b)*, or adopts a finding under *subsection (2)*, it shall, as soon as practicable—
- (a) inform the adjudication subject of its decision, and
 - (b) take no further action in relation to that matter as it relates to the adjudication subject.

Publication of finding

- 103.** An applicable market surveillance authority may, where it adopts a finding under *section 102*, publish the written record of the finding referred to in *section 101(a)* on a website maintained by it or on its behalf, subject to such exclusions or redactions as it considers appropriate.

Offence of disclosing certain material relevant to finding

- 104.** (1) A person who receives a notice under *section 102(3)* shall not, without the prior authorisation of the applicable market surveillance authority, disclose the existence or the content of the notice to any other person.
- (2) Subject to *subsection (3)*, a person who fails to comply with *subsection (1)* shall be guilty of an offence.
- (3) It shall not be an offence to disclose the existence or the content of a notice where a written record relating to that notice has been published under *section 103*.

CHAPTER 6

*Administrative fines***Amount of administrative fine**

- 105.** (1) Where an adjudicator finds that an administrative fine should be imposed, the adjudicator shall determine the amount of the fine in accordance with this section.
- (2) Where an administrative fine is imposed for non-compliance with the prohibition of AI practices referred to in Article 5, the fine shall not exceed the limits referred to in Article 99(3).
- (3) Where an administrative fine is imposed for non-compliance with the provisions referred to in Article 99(4), the fine shall not exceed the limits referred to in that paragraph.
- (4) Where an administrative fine is imposed for supplying incorrect, incomplete or misleading information to a notified body or a national competent authority in reply to a request, including for supplying such information under *section 48(3)*, *49(3)*, *56(1)*, *70*, *71(4)*, *79(2)* or *80(2)*, the fine shall not exceed the limits referred to in Article 99(5).
- (5) Notwithstanding *subsections (2) to (4)*—
- (a) where an adjudicator finds that an administrative fine should be imposed on a public body (within the meaning of section 10 of the Data Sharing and Governance Act 2019), the amount of the fine shall not exceed €1,000,000, and
- (b) where an adjudicator finds that an administrative fine should be imposed on an undertaking referred to in Article 99(6), the fine imposed shall not exceed the amount referred to in that Article.
- (6) Subject to the limits referred to in this section, the amount of an administrative fine shall be determined having regard to the Artificial Intelligence Regulation and in particular—
- (a) the need to ensure that the administrative fine is effective, proportionate and dissuasive,
- (b) the matters referred to in Article 99(7), and

- (c) to the extent they are relevant, any guidelines issued pursuant to Article 96.
- (7) An adjudicator shall, before determining the amount of the administrative fine—
 - (a) by notice in writing invite the applicable market surveillance authority and the adjudication subject to make written submissions to the adjudicator on the amount of the administrative fine within such period as the adjudicator may specify in the notice, and
 - (b) have regard to any such submissions validly received.

Treatment of amounts paid to applicable market surveillance authority

- 106.** A payment made by an adjudication subject to an applicable market surveillance authority in respect of an administrative fine shall be paid into, or disposed of for the benefit of, the Exchequer in such manner as the Minister for Finance may direct.

CHAPTER 7

Appeals

Appeal against adjudication

- 107.** (1) An adjudication subject may appeal to the High Court against an adjudication not later than 28 working days from the day on which the notice under *section 102(3)* is served.
- (2) On application, the High Court may extend the period within which an appeal may be brought under *subsection (1)*, where it is satisfied—
- (a) that there are exceptional reasons for doing so,
 - (b) that the circumstances that resulted in the failure to bring an appeal within the period referred to in *subsection (1)* were outside the control of the applicant for the extension, and
 - (c) where an application for confirmation has been brought under *section 111*, that the High Court has neither heard nor determined such application.
- (3) The High Court may stay an application for confirmation under *section 111* where the adjudication in relation to which the application is brought is appealed under this section.

Conduct of appeals

- 108.** (1) The respondent to an appeal shall be the applicable market surveillance authority that served the notice under *section 102(3)*.
- (2) The appellant shall, on the same date as the appeal is made, notify the respondent of the fact that it has made the appeal and of the grounds on which it has made the appeal.

- (3) An appellant shall, when making an appeal, state all of the grounds in law and fact upon which the appeal is made and shall provide the High Court with all documents and evidence that it is alleged support the granting of the appeal or upon which the appellant intends to rely to support those grounds.
- (4) The respondent shall, when responding to an appeal, state all of the grounds upon which it responds to the appeal and provide the High Court with all documents and evidence upon which the respondent intends to rely to support those grounds.
- (5) Subject to *subsection (6)*, a party to an appeal shall not be entitled during the course of an appeal to make submissions to the High Court other than submissions related to the grounds stated, or documents and evidence provided, under *subsection (3)* or *(4)*, as the case may be.
- (6) The High Court may, upon application and where it considers it necessary for the fair and proper determination of an appeal, require or permit a party to an appeal to—
 - (a) make submissions to the High Court other than submissions related to the grounds stated, or documents and evidence provided, under *subsection (3)* or *(4)*, and
 - (b) provide documents or evidence to the High Court other than documents or evidence provided under *subsection (3)* or *(4)*.
- (7) Notwithstanding *subsection (6)*, the High Court shall refuse to consider submissions, documents or evidence where it considers that the submissions, documents or evidence are not relevant to the appeal.
- (8) Where the High Court has granted leave to deliver submissions, documents or evidence on an application under *subsection (6)*, the High Court may give directions as to the scope, form and time frame for delivery of such additional submissions, documents or evidence.
- (9) The High Court may, on the hearing of an appeal against an adjudication—
 - (a) confirm the adjudication, or
 - (b) where it is satisfied that—
 - (i) a serious and significant error of law or fact was made in making the adjudication,
 - (ii) a series of minor errors of law or fact which, when taken together, amount to a serious and significant error, was made in making the adjudication, or
 - (iii) the adjudication was made without complying with fair procedures,annul the adjudication in whole or in part.
- (10) Where the High Court annuls an adjudication, in whole or in part, under *subsection (9)(b)*, it may make such orders as it sees fit, including orders—
 - (a) remitting the matter for reconsideration by an adjudicator subject to such directions as the High Court considers appropriate, including that the matter should be reconsidered by another adjudicator, or

- (b) varying the adjudication and substituting such other decision as the High Court considers appropriate.
- (11) Where the High Court confirms an adjudication that imposes an administrative fine or substitutes its own decision for the adjudication and, as part of such substitution, imposes an administrative fine, the High Court may order that the payment of the administrative fine must be made before a specified date.
- (12) The High Court shall, in determining an appeal, act as expeditiously as possible consistent with the administration of justice.

Appeals to Court of Appeal

- 109.** (1) Subject to *subsection (2)*, no appeal shall lie to the Court of Appeal from a decision of the High Court on an appeal under this Chapter or a reference under *section 92*.
- (2) The High Court may grant leave to appeal its decision on an appeal under this Chapter or a reference under *section 92* where it certifies that its decision involves a point of law of exceptional public importance and that it is desirable in the public interest that an appeal should be taken to the Court of Appeal.

CHAPTER 8

Confirmation of adjudication

Application for confirmation of adjudication

- 110.** (1) Subject to *section 113*, where a person does not appeal to the High Court against an adjudication within the period provided for in *section 107(1)*, the applicable market surveillance authority shall, as soon as practicable after the expiration of that period, make an application to the High Court for the confirmation of the adjudication.
- (2) When making an application under *subsection (1)*, the applicable market surveillance authority shall provide a copy of the adjudication together with the documents and evidence that were before the adjudicator.
- (3) Not later than 7 working days from the day on which the application under *subsection (1)* is made, the applicable market surveillance authority shall—
- (a) serve notice of the application on the adjudication subject, and
 - (b) provide the adjudication subject with all documents and papers that accompanied the application.

Confirmation of adjudication

- 111.** (1) On the hearing of an application to confirm an adjudication, the High Court shall confirm the adjudication unless the High Court determines that—
- (a) the adjudication contains an error of law which is—
 - (i) manifest from the record of the adjudication, and

- (ii) fundamental so as to deprive the adjudication of its basis,
or
 - (b) the administrative fine imposed was manifestly—
 - (i) disproportionate,
 - (ii) in excess of the fine required to be dissuasive, or
 - (iii) in excess of the fine required to be effective.
- (2) The High Court, where it makes a determination referred to in *subsection (1)(a)*, or both a determination referred to in *subsection (1)(a)* and a determination referred to in *subsection (1)(b)*, shall remit the matter for reconsideration by an adjudicator, subject to such directions as the court considers appropriate including, as the court sees fit, directions as to whether or not—
 - (a) the adjudicator should be limited to reconsidering a specific aspect of an adjudication, and
 - (b) the matter should be reconsidered by another adjudicator.
- (3) The High Court, where it makes a determination referred to in *subsection (1)(b)*, but does not make a determination referred to in *subsection (1)(a)*, may—
 - (a) order that a lesser amount be substituted for the amount of the administrative fine, and confirm the adjudication subject to such substitution, and
 - (b) order that the fine so substituted shall be paid within a specified period.
- (4) Where the High Court does not make an order referred to in *subsection (3)* and considers that the interests of justice so require, it may remit the matter for reconsideration by an adjudicator, subject to such directions as the court considers appropriate including, as the court sees fit, directions as to whether or not—
 - (a) the adjudicator should be limited to reconsidering a specific aspect of an adjudication, and
 - (b) the matter should be reconsidered by another adjudicator.

Evidence in confirmation hearing

- 112.** (1) The High Court shall not, in relation to an application for confirmation of an adjudication, hear evidence other than evidence that was before the adjudicator in relation to that adjudication.
- (2) In hearing an application to confirm an adjudication, the High Court shall accept the findings of fact in the adjudication as final.

***Ex parte* application for confirmation of adjudication**

- 113.** (1) An applicable market surveillance authority shall, prior to making an application under *section 110*, seek the written consent of the adjudication subject to the confirmation of the adjudication.

- (2) Where the adjudication subject so consents, the application under *section 110* may be made *ex parte*, and *subsection (2) and (3)* of that subsection shall not apply in such a case.

Adjudication to take effect when confirmed by High Court

- 114.** (1) An adjudication shall take effect at the time it is confirmed by the High Court under *section 111*, subject to any order made by a court on an appeal of the adjudication or on an application for leave to appeal the adjudication.
- (2) Where an adjudication has taken effect in accordance with *subsection (1)*, any administrative fine imposed by such adjudication may—
- (a) be enforced without the need for any further judgment of a court, and
 - (b) be enforced by the applicable market surveillance authority as a judgment debt.
- (3) Where a person fails to comply with an administrative fine imposed by an adjudication that has taken effect in accordance with *subsection (1)*, the High Court may, on an application to it by the applicable market surveillance authority—
- (a) compel compliance with the administrative fine imposed, or
 - (b) grant any injunctive relief that the court considers necessary.
- (4) The High Court shall not require an applicable market surveillance authority to give an undertaking as to damages as a condition of granting any injunctive relief under *subsection (3)(b)*.

Publication of adjudication

- 115.** The applicable market surveillance authority may publish an adjudication confirmed by the High Court under *section 111* on a website maintained by it or on its behalf, subject to such redactions or exclusions as it considers appropriate.

CHAPTER 9

Nomination and appointment of adjudicators

Nomination of adjudicators

- 116.** (1) Subject to *subsection (4)*, the Office shall nominate, for appointment by the Minister under *section 117*, such and so many persons for appointment as adjudicators whom the Office is satisfied meet the criteria prescribed under *subsection (2)*.
- (2) The Minister shall prescribe criteria a person must meet in order to be nominated under this section.
- (3) In prescribing criteria referred to in *subsection (2)*, the Minister—
- (a) shall have regard to the functions of adjudicators under this Act,

- (b) shall have regard to the need for adjudicators to be independent in the performance of their functions, and
 - (c) may prescribe such criteria by reference to categories of person, professional qualifications or any other matter the Minister considers appropriate.
- (4) The Office shall not nominate an authorised officer under this section.

Appointment and removal of adjudicators

117. (1) The Minister shall, by instrument in writing, appoint a person nominated by the Office under *section 116* to be an adjudicator unless the Minister—

- (a) considers that the nominated person does not satisfy the criteria prescribed under *section 116(2)*, or
 - (b) considers that the nominated person does not have the independence necessary to be appointed as an adjudicator.
- (2) An adjudicator shall, unless the adjudicator sooner dies, resigns, is appointed an authorised officer or is removed in accordance with this section, be appointed for such term as the Minister may specify in the instrument appointing the adjudicator.
- (3) An adjudicator may resign by notice in writing addressed to the Minister and the resignation shall take effect on the date the Minister receives the notice, or, if a date is specified in the notice and the Minister agrees to that date, on that date.
- (4) Where a person standing appointed as an adjudicator under this section is appointed an authorised officer, the person's appointment as adjudicator shall end on the date of their appointment as an authorised officer.
- (5) An adjudicator may be removed from office by the Government where the adjudicator—
- (a) has become incapable, through ill-health, of effectively performing the functions of an adjudicator,
 - (b) has engaged in serious misconduct,
 - (c) in the opinion of the Government, has failed, without reasonable cause, to perform the functions of an adjudicator for a continuous period of at least 3 months, or
 - (d) has a conflict of interest of such significance that, in the opinion of the Government, it is not appropriate for the adjudicator to perform functions as an adjudicator.
- (6) The appointment of a person as an adjudicator shall not, in itself, cause the person to be—
- (a) employed by or within the Office, or
 - (b) a civil servant in the Civil Service of the State.

Independence of adjudicators

- 118.** (1) Adjudicators shall be independent in the performance of their functions.
- (2) Where an adjudicator believes that it is not possible to carry out his or her functions in relation to adjudication proceedings in an independent manner, the adjudicator shall recuse himself or herself from the proceedings in question and shall notify the Office and the parties concerned of the recusal.

Terms on which adjudicators are engaged

- 119.** (1) The Minister shall, with the consent of the Minister for Public Expenditure, Infrastructure, Public Service Reform and Digitalisation, prescribe the terms of a contract to be entered into between—
- (a) the applicable market surveillance authority, and
 - (b) the adjudicator assigned under *section 83*,
- in relation to each matter referred for adjudication.
- (2) Without prejudice to the generality of *subsection (1)*, the Minister shall, with the consent of the Minister for Public Expenditure, Infrastructure, Public Service Reform and Digitalisation, prescribe terms providing for the payment of an adjudicator by the applicable market surveillance authority in accordance with *subsection (3)*.
- (3) Adjudicators shall be paid a prescribed amount per day for—
- (a) the day the adjudicator is assigned under *section 83(2)*,
 - (b) the day of the notification under *section 101(b)*, and
 - (c) each working day between those days,
- and the same amount shall be prescribed in relation to each such day and in relation to all adjudicators.

Register of adjudicators

- 120.** The Office shall maintain a register, in accordance with *Schedule 3*, of all persons standing appointed by the Minister as adjudicators under this Part.

PART 7**PENALTIES AND MISCELLANEOUS PROVISIONS****Penalties for offences**

- 121.** (1) A person guilty of an offence under *section 36(3)*, *64(3)*, *70(10)*, *75(4)*, *89(3)(b)*, *95*, *98(3)* or *104(2)* shall be liable—
- (a) on summary conviction, to a class A fine or imprisonment for a term not exceeding 12 months, or both, or

- (b) on conviction on indictment, to a fine not exceeding €250,000 or imprisonment for a term not exceeding 5 years, or both.
- (2) A person guilty of an offence under *section 54(2)* or *89(3)(a)* shall be liable—
 - (a) on summary conviction, to a class A fine or imprisonment for a term not exceeding 6 months, or both, or
 - (b) on conviction on indictment, to a fine not exceeding €50,000 or imprisonment for a term not exceeding 5 years, or both.
- (3) A person guilty of an offence under *section 58(3)*, *71(10)* or *72(12)* shall be liable on summary conviction to a class A fine or imprisonment for a term not exceeding 6 months, or both.

Defence

- 122.** In proceedings for an offence referred to in *section 121*, it shall be a defence for a person against whom such proceedings are brought to show that he or she made all reasonable efforts to ensure compliance with such provisions of this Act or the Artificial Intelligence Regulation as are alleged to have been contravened.

Liability for offences by body corporate

- 123.** (1) Where an offence under this Act is committed by a body corporate and is proved to have been so committed with the consent, connivance or approval of, or to be attributable to any wilful neglect on the part of, any person, being a director, manager, secretary or other officer of the body corporate, or a person who was purporting to act in any such capacity, that person, as well as the body corporate, shall be guilty of an offence and shall be liable to be proceeded against and punished as if he or she were guilty of the first-mentioned offence.
- (2) Where the affairs of a body corporate are managed by its members, *subsection (1)* applies in relation to the acts and defaults of a member in connection with his or her functions of management as if he or she were a director or manager of the body corporate.

Summary proceedings and costs of prosecution

- 124.** (1) Summary proceedings for an offence under this Act may be brought and prosecuted by a relevant market surveillance authority.
- (2) Where a person is convicted of an offence under this Act, the court shall, unless it is satisfied that there are special and substantial reasons for not so doing, order the person to pay to the relevant market surveillance authority concerned, where appropriate, the costs and expenses, measured by the court, reasonably incurred by the relevant market surveillance authority concerned in relation to the investigation, detection and prosecution of the offence including costs incurred in the taking of samples, the carrying out of tests, examinations and analyses and in respect of the remuneration and other expenses of employees, consultants and advisers.

Time limit where offence may be prosecuted in summary proceedings

125. Notwithstanding section 10(4) of the Petty Sessions (Ireland) Act 1851, summary proceedings for an offence under this Act may be instituted at any time within 12 months from the date on which the offence was alleged to have been committed.

Relevance of certain statements made in criminal proceedings

126. (1) Subject to *subsection (2)*, where an individual is required by an adjudicator or an authorised officer to provide a statement or admission, any such statement or admission shall not be admissible in evidence against that person in criminal proceedings.

(2) *Subsection (1)* shall not apply to criminal proceedings relating to the following:

- (a) an offence under *section 70(10)*;
- (b) failure to comply with a request under *section 90*;
- (c) an offence under *section 95*;
- (d) an offence under *paragraph 15 of Schedule 1*;
- (e) proceedings for perjury in circumstances where the statement or admission was provided on oath or affirmation.

Legal privilege

127. (1) Subject to *subsection (2)*, nothing in this Act shall compel the disclosure by any person of privileged legal material or authorise the taking of privileged legal material.

(2) The disclosure of information may be compelled, or possession of it taken, pursuant to this Act, notwithstanding that it is apprehended that the information is privileged legal material, provided that the compelling of its disclosure or the taking of its possession is done by means whereby the confidentiality of the information can be maintained (as against the person compelling such disclosure or taking such possession) pending the determination by the High Court of the issue as to whether the information is privileged legal material.

(3) Without prejudice to *subsection (4)*, where, in the circumstances referred to in *subsection (2)*, information has been disclosed or taken possession of pursuant to this Act, the person—

- (a) to whom such information has been so disclosed, or
- (b) who has taken possession of it,

shall (unless the person has, within the period subsequently mentioned in this subsection, been served with notice of an application under *subsection (4)* in relation to the matter concerned) apply to the High Court for a determination as to whether the information is privileged legal material and an application under this section shall be made not later than 30 working days from the date on which the disclosure or the taking of possession occurred.

- (4) A person who, in the circumstances referred to in *subsection (2)*, is compelled to disclose information, or from whose possession information is taken, pursuant to this Act, may apply to the High Court for a determination as to whether the information is privileged legal material.
- (5) Pending the making of a final determination of an application under *subsection (3)* or (4), the High Court may give such interim or interlocutory directions as the court considers appropriate including, without prejudice to the generality of the foregoing, directions as to—
 - (a) the preservation of the information, in whole or in part, in a safe and secure place in any manner specified by the court, or
 - (b) the appointment of a person with suitable legal qualifications possessing the level of experience, and the independence from any interest falling to be determined between the parties concerned, that the court considers to be appropriate for the purpose of—
 - (i) examining the information, and
 - (ii) preparing a report for the court with a view to assisting or facilitating the court in the making by the court of its determination as to whether the information is privileged legal material.
- (6) An application under *subsection (3)* or (4) shall be by motion and may, if the High Court directs, be heard otherwise than in public.
- (7) In this section—

“computer” includes a personal organiser or any other electronic means of information storage or retrieval;

“information” means information contained in a book, document, record, a computer or otherwise;

“privileged legal material” means information which, in the opinion of the High Court, a person is entitled to refuse to produce on the grounds of legal professional privilege.

PART 8

APPLICATION TO CENTRAL BANK OF IRELAND

Definitions

128. In this Part—

“Act of 1942” means the Central Bank Act 1942;

“Central Bank” means the Central Bank of Ireland.

Application to Central Bank

129. *Parts 5, 6 and 7* shall not apply to the Central Bank.

Amendment of section 2 of Act of 1942

130. Section 2 of the Act of 1942 is amended, in subsection (2A)—

- (a) in paragraph (bm), by the substitution of “2012;” for “2012.”, and
- (b) by the insertion of the following paragraph after paragraph (bm):

“(bn) Regulation (EU) 2024/1689 of the European Parliament and of the Council of 13 June 2024⁵.”.

Amendment of section 33AK of Act of 1942

131. Section 33AK of the Act of 1942 is amended—

- (a) in subsection (5)—
 - (i) in paragraph (bb), by the substitution of “2013/36/EU),” for “2013/36/EU), or”,
 - (ii) in paragraph (bc), by the substitution of “2025), or” for “2025).”, and
 - (iii) by the insertion of the following paragraph after paragraph (bc):

“(bd) for any purpose connected to the functions of the Bank as a market surveillance authority under Regulation (EU) 2024/1689 of the European Parliament and of the Council of 13 June 2024⁶.”,

and

- (b) in subsection (10), in the definition of “supervisory EU legal acts”—
 - (i) in paragraph (ar), by the substitution of “2011),” for “2011);”, and
 - (ii) by the insertion of the following paragraph after paragraph (ar):

“(as) Regulation (EU) 2024/1689 of the European Parliament and of the Council of 13 June 2024⁷.”.

Amendment of Schedule 2 to Act of 1942

132. Schedule 2 of the Act of 1942 is amended in Part 1, by the insertion of the following item after item 52:

“

53	No. 31 of 2026	<i>Regulation of Artificial Intelligence Act 2026</i>	<i>Part 4</i>
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”.

⁵ OJ L, 2024/1689, 12.7.2024.

⁶ OJ L, 2024/1689, 12.7.2024.

⁷ OJ L, 2024/1689, 12.7.2024.

Administrative fines that may be imposed by Central Bank

- 133.** (1) Where the provisions of the Act of 1942 are invoked in relation to a contravention of this Act or any of the following (each of which is referred to in this section as a “relevant infringement”):
- (a) an infringement of Article 5;
 - (b) an infringement of obligations of providers pursuant to Article 16;
 - (c) an infringement of obligations of authorised representatives pursuant to Article 22;
 - (d) an infringement of obligations of importers pursuant to Article 23;
 - (e) an infringement of obligations of distributors pursuant to Article 24;
 - (f) an infringement of obligations of deployers pursuant to Article 26;
 - (g) an infringement of transparency obligations for providers and deployers pursuant to Article 50;
 - (h) an infringement referred to in paragraph (5) of Article 99,
- the administrative fine specified in the paragraph of Article 99 corresponding to the relevant infringement may be imposed by the Central Bank—
- (i) following an inquiry under section 33AO or 33AR of the Act of 1942, or
 - (ii) in accordance with section 33AR or 33AV of the Act of 1942.
- (2) The power of the Central Bank to impose any of the administrative fines specified in Article 99 is in addition to and not in substitution for its power to impose any of the sanctions specified in section 33AQ of the Act of 1942.
- (3) For the purposes of a contravention of this Act, or for the purposes of a relevant infringement, any reference in the Act of 1942 to the sanctions set out in section 33AQ of that Act is to be read as including a reference to the administrative fines specified in respect of the relevant infringement concerned.
- (4) In the case of a relevant infringement by an undertaking referred to in Article 99(6), the fine imposed shall not exceed the amount referred to in that Article.
- (5) Where an administrative fine is imposed by the Central Bank in respect of a contravention of this Act or in respect of a relevant infringement, the Central Bank shall have regard to the matters in Article 99(7) when determining the amount of the administrative fine.

PART 9**AMENDMENT OF ACT OF 2014****Amendment of section 2 of Act of 2014**

- 134.** Section 2 of the Act of 2014 is amended—

- (a) in the definition of “relevant statutory provisions”, by the insertion of the following paragraph after paragraph (a):

“(aa) a relevant Regulation;”,

and

- (b) by the insertion of the following definitions:

“ ‘Artificial Intelligence Regulation’ means Regulation (EU) 2024/1689 of the European Parliament and of the Council of 13 June 2024⁸ laying down harmonised rules on artificial intelligence and amending Regulations (EC) No 300/2008, (EU) No 167/2013, (EU) No 168/2013, (EU) 2018/858, (EU) 2018/1139 and (EU) 2019/2144 and Directives 2014/90/EU, (EU) 2016/797 and (EU) 2020/1828 (Artificial Intelligence Act);

‘Artificial Intelligence Regulation infringement’ means an infringement of the following Articles of the Artificial Intelligence Regulation:

(a) Articles 16 to 27;

(b) Article 43;

(c) Articles 47 to 50;

(d) Article 72;

(e) Article 73;

‘Artificial Intelligence Regulation investigation’ means an investigation pursuant to a direction under section 46B where there is a suspected Artificial Intelligence Regulation infringement;

‘Member State competent authority’ means an authority that is designated by a Member State (other than the State) as a competent authority for the purposes of the Artificial Intelligence Regulation;

‘relevant Regulation’ means the Artificial Intelligence Regulation;”.

Amendment of section 10 of Act of 2014

- 135.** Section 10 of the Act of 2014 is amended, in subsection (1), by the insertion of the following paragraph after paragraph (c):

“(ca) to carry out an Artificial Intelligence Regulation investigation into any suspected Artificial Intelligence Regulation infringement that may be occurring or has occurred, either—

(i) on its own initiative, or

(ii) as part of its market surveillance activities,

in response to a complaint made to it by any person, or at the request of a Member State competent authority or public authority

⁸ OJ L, 2024/1689, 12.7.2024.

of a Member State (other than the State) under the Artificial Intelligence Regulation.”.

Administrative fines

136. The Act of 2014 is amended by the insertion of the following Part after Part 2:

“PART 2A

ADMINISTRATIVE FINES

CHAPTER 1

Interpretation

Interpretation

46A. (1) In this Part—

‘category 1 offence’ means an offence the penalties for which are specified in section 46Q(1);

‘category 2 offence’ means an offence the penalties for which are specified in section 46Q(2);

‘inquiry subject’, in relation to an investigation or other proceedings under this Part, means the person whose infringement or suspected infringement is the subject of the relevant investigation or other proceedings;

‘relevant infringement’ means an Artificial Intelligence Regulation infringement;

‘relevant investigation’ means an investigation under this Part and includes an Artificial Intelligence Regulation investigation.

(2) A word or expression used in this Part that is also used in the Artificial Intelligence Regulation has, unless the context otherwise requires, the same meaning in this Part as it has in that Regulation.

CHAPTER 2

Relevant investigations

Commencement and terms of relevant investigation

46B. (1) If a person authorised by the Commission under subsection (2) believes there is reason to suspect that there has been a relevant infringement, the person may direct an authorised officer to carry out a relevant investigation of the suspected infringement.

(2) The Commission may authorise any member of the Commission or any member of its staff for the purposes of subsection (1).

- (3) The person who directs the authorised officer to carry out a relevant investigation under subsection (1) shall define the terms of the relevant investigation in writing.

Investigatory powers: oral hearings

- 46C.** (1) An authorised officer may conduct an oral hearing if he or she considers it necessary for the purposes of a relevant investigation pursuant to a direction under section 46B.
- (2) The Schedule shall have effect for the purposes of an oral hearing referred to in subsection (1).

Report of an authorised officer

- 46D.** (1) As soon as is practicable after the completion of a relevant investigation pursuant to a direction under section 46B, an authorised officer shall prepare a draft report of the relevant investigation.
- (2) In preparing the draft report referred to in subsection (1), the authorised officer shall consider, in so far as they are applicable to the relevant investigation—
 - (a) the terms of the relevant investigation,
 - (b) any document, information or content obtained in the course of the relevant investigation,
 - (c) any statement or admission made by any person in the course of the relevant investigation, and
 - (d) any submissions made by any person for the purposes of the relevant investigation.
 - (3) The authorised officer shall, as soon as is practicable after preparing the draft report, give the inquiry subject—
 - (a) a copy of the draft report,
 - (b) a copy of any material relied upon by the authorised officer in preparing the draft report,
 - (c) a copy of this section, and
 - (d) a notice in writing stating that the inquiry subject may, not later than 28 days from the date on which he or she receives the notice, or such further period as the authorised officer considers necessary, make submissions in writing to the authorised officer on the draft report.
 - (4) The authorised officer shall, as soon as is practicable after the expiration of the period referred to in subsection (3)(d), and having considered any submissions made in accordance with a notice under that subsection, make any revisions to the draft report which, in the opinion of the authorised officer is warranted, and finalise the report.

- (5) An authorised officer shall not make any recommendation, or express any opinion, in a draft report under subsection (1) or in a final report under subsection (4) as to whether an administrative fine should be imposed under section 46G in the event that the Commission is satisfied that the inquiry subject has committed an Artificial Intelligence Regulation infringement, or as to the amount of any such fine imposed.
- (6) An authorised officer shall, as soon as is practicable after the draft report has been finalised under subsection (4), provide a copy of the final report to the inquiry subject.
- (7) An authorised officer shall, as soon as is practicable after the draft report has been finalised under subsection (4), provide a copy of the final report and any submissions made in accordance with a notice under subsection (3)(d) to the Commission.
- (8) An authorised officer may provide a copy of the final report and any submissions made in accordance with a notice under subsection (3)(d) to such other persons as he or she considers appropriate.
- (9) A person who receives a final report or any submissions shall not, without the prior authorisation of the Commission, disclose the existence or the content of the report or those submissions to any other person.
- (10) A person who, without reasonable excuse, contravenes subsection (9) shall be guilty of a category 1 offence.

CHAPTER 3

Decision of Commission

Division of Commission

- 46E.** (1) The functions of the Commission in relation to the decision of the Commission upon receiving the report of an authorised officer under section 46D, and the imposing of administrative fines, shall, unless otherwise stated, be exercised by a division of the Commission consisting of such uneven number of members of the Commission, not being less than 3, as the Commission may determine.
- (2) If the person who directed that a relevant investigation be carried out under section 46B is a member of the Commission, the division exercising functions in relation to the relevant investigation shall not include that member.

Action by Commission after receiving a report

- 46F.** (1) After the authorised officer has complied with subsections (6) and (7) of section 46D, the Commission shall, subject to subsection (2), give the inquiry subject—

- (a) a copy of this section, and
 - (b) a notice in writing that the inquiry subject may make submissions in writing to the Commission on the final report to which section 46D applies within the period of 28 days from the date the inquiry subject receives the notice, or such further period as the Commission may allow.
- (2) The Commission need not comply with subsection (1) if it holds an oral hearing under subsection (3) at which the inquiry subject may make submissions to it on the final report to which section 46D applies.
- (3) The Commission shall, at any time after the authorised officer has complied with subsections (6) and (7) of section 46D, conduct an oral hearing in accordance with the Schedule if it considers necessary to do so in order for the procedures under this Part to operate fairly.
- (4) The Commission may, at any time after the authorised officer has complied with subsections (6) and (7) of section 46D, do any of the following that it considers necessary to resolve an issue of fact or otherwise enable it to make a decision under section 46G:
- (a) request the inquiry subject to provide the Commission with further information within such period as the Commission specifies;
 - (b) request any other person to provide the Commission with further information within such period as the Commission specifies;
 - (c) for the purposes of a request under paragraph (b) or in an oral hearing under paragraph (d), provide a copy of the final report, or of part of the final report, with any redactions the Commission considers necessary, to the person the request is made to;
 - (d) conduct an oral hearing in accordance with the Schedule.
- (5) As soon as is practicable after making a request under subsection (4)(b), the Commission shall give the inquiry subject a copy of the request.
- (6) As soon as is practicable after receiving any information pursuant to a request under subsection (4)(b), the Commission shall give the inquiry subject—
- (a) a copy of the information, and
 - (b) a notice in writing stating that the inquiry subject may make submissions in writing to the Commission on the information within the period of 28 days from the date the inquiry subject receives the notice, or such further period as the Commission may allow.

- (7) A person who receives a copy of a report, or of part of a report, under subsection (4)(c) shall not, without the prior authorisation of the Commission, disclose the existence or the content of the report to any other person.
- (8) A person who, without reasonable excuse, contravenes subsection (7) shall be guilty of a category 1 offence.

Decision by Commission

46G. (1) The Commission shall decide, in respect of a person who is the subject of a report under section 46D—

- (a) whether or not it is satisfied on the balance of probabilities that the person has committed the relevant infringement to which the relevant investigation relates, and
 - (b) if so, whether or not to impose an administrative fine.
- (2) A decision under subsection (1) that the relevant infringement has been committed, or that an administrative fine shall be imposed, does not take effect unless it is confirmed on appeal under section 46L or on summary application under section 46M.
- (3) For the purposes of making a decision under subsection (1), the Commission shall consider—
- (a) the final report provided under subsection (7) of section 46D and any submissions or views provided with the report in accordance with that subsection,
 - (b) any evidence adduced or submissions made during an oral hearing conducted under section 46F,
 - (c) any information provided as a result of a request under section 46F(4), and
 - (d) any submissions made pursuant to a notice under subsection (1) or (6) of section 46F.
- (4) In deciding under subsection (1)(b) whether or not to impose an administrative fine, the Commission shall have regard to the matters referred to in section 46K.

Notice and publication of decision of Commission

46H. (1) The Commission shall, as soon as is practicable after making a decision under section 46G, give notice in writing of the decision to the inquiry subject.

- (2) The notice under subsection (1) shall set out the decision made and the reasons for it.
- (3) If the Commission decides that a relevant infringement has occurred, the notice shall also—

- (a) state that the decision does not take effect unless it is confirmed on appeal under section 46L or on summary application under section 46M, and
 - (b) state that, if the inquiry subject does not appeal under section 46L, the Commission shall, as soon as is practicable after the expiration of the period for the making of an appeal referred to in section 46L(1), make an application in a summary manner for confirmation of the decision under section 46M.
- (4) If the Commission decides to impose an administrative fine, the notice shall also—
 - (a) state that the inquiry subject may make submissions in relation to the application of section 46K to the determination of the amount of the fine,
 - (b) state either that—
 - (i) those submissions may be made at an oral hearing, under section 46I(2)(a), on a date specified in the notice, or
 - (ii) those submissions may be made in writing, under section 46I(2)(b), within a period specified in the notice in accordance with that section,
 - and
 - (c) state that the Commission may request further information under section 46I(3).
- (5) Where the decision made under section 46G relates to a relevant infringement, the Commission may publish the decision on a website maintained by it and that publication shall include the following matters:
 - (a) the name of the inquiry subject;
 - (b) the nature of the suspected infringement to which the relevant investigation related;
 - (c) the reasons for the decision;
 - (d) such other particulars, reports or material as the Commission considers appropriate.
- (6) The Commission may provide a copy of a notice referred to in subsection (1) to—
 - (a) the Commission for Communications Regulation,
 - (b) the Data Protection Commission,
 - (c) Oifig IS na hÉireann, and
 - (d) any other person where it considers it appropriate to do so.

- (7) A person who receives a copy of a notice under subsection (6) prior to the publication of the decision under subsection (5) shall not, without the prior authorisation of the Commission, disclose the existence or the content of the notice, including any content redacted in accordance with subsection (9) from a decision published under subsection (5), to any other person.
- (8) A person who, without reasonable excuse, contravenes subsection (7) shall be guilty of a category 2 offence.
- (9) The Commission may, for the purposes of publication under subsection (5), redact any particulars which appear to the Commission—
 - (a) to be commercially sensitive, or
 - (b) to relate to the commission of an offence.

CHAPTER 4

Administrative fines

Submissions and requests for information

- 46I.** (1) Subsections (2) and (3) apply where the Commission has made a decision under section 46G to impose an administrative fine on a person.
- (2) The person may make submissions to the Commission in relation to the application of section 46K to the determination of the amount of the fine—
 - (a) at an oral hearing held in accordance with the Schedule, where the Commission considers it necessary, or
 - (b) otherwise, in writing, within the period of 10 days from the date the person receives the notice under section 46H, or such longer period as the Commission may specify in the notice.
 - (3) Where a person makes submissions to the Commission under subsection (2)(b), the Commission may by notice in writing request the person to provide, within a specified period, such further information as the Commission considers appropriate for the purposes of determining the amount of the fine.
 - (4) A person who, without reasonable excuse, fails to comply with a request under subsection (3) shall be guilty of a category 2 offence.
 - (5) A person shall not, in purported compliance with a request under subsection (3), give to the Commission information that is incorrect, incomplete or misleading.

Determination of amount of administrative fine

- 46J.** (1) Where a decision is made under section 46G to impose an administrative fine, the Commission shall determine the amount of the fine in accordance with section 46K in the case of an Artificial Intelligence Regulation infringement.
- (2) The Commission shall make the determination as soon as practicable after—
- (a) where section 46I(2)(a) applies, the date of the oral hearing referred to in that paragraph, or
- (b) where section 46I(2)(b) applies, the expiry of the period or further period referred to in that paragraph or, if applicable, the period specified in any notice under section 46I(3),
- whether or not any submission has been made or information provided.
- (3) As soon as is practicable after making the determination, the Commission shall give the inquiry subject a notice in writing of the determination and the reasons for it.

Limitations on amount of administrative fine for infringement of Artificial Intelligence Regulation

- 46K.** (1) In the case of an Artificial Intelligence Regulation infringement falling within Article 99(3) of the Artificial Intelligence Regulation, the amount of an administrative fine imposed under section 46G shall not exceed the amount specified in that Article.
- (2) In the case of an Artificial Intelligence Regulation infringement falling within Article 99(4) of the Artificial Intelligence Regulation, the amount of an administrative fine imposed under section 46G shall not exceed the amount specified in that Article.
- (3) In the case of an Artificial Intelligence Regulation infringement by an undertaking referred to in Article 99(6) of the Artificial Intelligence Regulation, the amount of the administrative fine imposed shall not exceed the amount referred to in that Article.
- (4) Notwithstanding subsections (1) and (2), in the case of an Artificial Intelligence Regulation infringement by a public body (within the meaning of section 10 of the Data Sharing and Governance Act 2019), the amount of the fine shall not exceed €1,000,000.
- (5) The Commission shall have regard to the matters in Article 99(7) of the Artificial Intelligence Regulation when determining the amount of the administrative fine imposed under section 46G.
- (6) The amount of an administrative fine imposed under section 46G shall—

- (a) be proportionate to the nature of the Artificial Intelligence Regulation infringement, effective and dissuasive, and
- (b) where relevant, take into account any guidelines issued pursuant to Article 96 of the Artificial Intelligence Regulation.

Appeal against decision

- 46L.** (1) The inquiry subject to whom a decision under section 46G relates may, within 28 days from the date on which the notice referred to in section 46H is received, or where section 46J applies, within 28 days from the date on which the notice referred to in section 46J is received, appeal to the appropriate court against the decision.
- (2) The appropriate court may, by order, on the application of the inquiry subject, extend the period for the making of an appeal under subsection (1), where it is satisfied that—
- (a) there is good and sufficient reason for doing so,
 - (b) the circumstances that resulted in the failure to bring an appeal within the period referred to in subsection (1) were outside the control of the inquiry subject, and
 - (c) an application for confirmation has not been determined under section 46M.
- (3) In considering an appeal, the appropriate court—
- (a) shall have regard to the record of the decision the subject of the appeal, and
 - (b) may, where it considers it necessary for the fair and proper determination of the appeal, consider any evidence adduced or submission made by the inquiry subject, whether or not already adduced or made to the authorised officer or the Commission.
- (4) Subject to subsection (6), the appropriate court may, on the hearing of an appeal under subsection (1)—
- (a) confirm the decision, or
 - (b) subject to subsection (5)—
 - (i) set aside the decision,
 - (ii) set aside the decision and replace it with such other decision as the court considers it just and appropriate to make, including a decision not to impose an administrative fine, or a decision to impose an administrative fine of a different amount, or
 - (iii) remit the decision for reconsideration by the Commission, subject to such directions as the court considers appropriate.
- (5) A decision of the Commission may not be set aside or remitted by the appropriate court under subsection (4)(b) for error of law or fact

unless the appropriate court is satisfied that the Commission committed a serious and significant error in making the decision, or that the Commission committed a series of minor errors which, when taken together, amount to a serious and significant error.

- (6) For the purposes of subsection (4), section 46G and section 46K shall apply to the appropriate court and references to the Commission in those sections shall be construed as references to the appropriate court.
- (7) Where the appropriate court is the Circuit Court it may make such interim or interlocutory orders in any proceedings under subsection (1) or (2) as it considers appropriate.
- (8) The appropriate court may direct how the costs of an appeal under this section are to be borne.
- (9) In this section, ‘appropriate court’ means—
 - (a) where no administrative fine is imposed under section 46G or where the amount of any administrative fine imposed does not exceed €75,000, or such other sum as stands specified in law as that court’s jurisdiction in tort (other than personal injuries), the Circuit Court, or
 - (b) in any other case, the High Court.

Circuit Court confirmation of decision

- 46M.** (1) Where the inquiry subject to whom a decision under section 46G relates does not appeal against the decision in accordance with section 46L(1), the Commission shall, as soon as is practicable after the expiration of the period referred to in section 46L(1), and on notice to the inquiry subject, make an application in a summary manner to the Circuit Court for confirmation of the decision.
- (2) On the hearing of an application under subsection (1), the Circuit Court shall confirm the decision unless it is satisfied, on the basis of the evidence that was before the Commission when making the decision—
 - (a) that the Commission made an error of law which is—
 - (i) manifest from the record of the decision, and
 - (ii) fundamental so as to deprive the decision of its basis,or
 - (b) that any administrative fine imposed is manifestly disproportionate.
 - (3) If under subsection (2) the Circuit Court does not confirm the decision it may—
 - (a) annul the decision, or

- (b) remit it for reconsideration by the Commission, subject to such directions as it considers appropriate.
- (4) The inquiry subject may, as soon as is practicable after receiving notice of the application under subsection (1), inform the Commission in writing that it does not intend to appear at, or make submissions at, the hearing of the application.
- (5) If an application to extend the period for the making of an appeal against a decision is made, under section 46L(2), to the High Court, the Circuit Court shall make an order staying any application under subsection (1) for the confirmation of that decision until the High Court has made a decision under section 46L(2).
- (6) If the High Court makes an order under section 46L(2), extending the period for the making of an appeal under section 46L(1) against a decision, the Circuit Court shall make an order staying any application under subsection (1) for the confirmation of that decision until the High Court has made a decision on the appeal under section 46L(4).
- (7) The Circuit Court may make such interim or interlocutory orders as it considers appropriate in any proceedings under subsection (1).
- (8) The Circuit Court may direct how the costs of an application under subsection (1) are to be borne.

Treatment of amounts paid in respect of administrative fines

46N. A payment received by the Commission of any amount due to it pursuant to a decision confirmed or made under section 46L or confirmed under section 46M shall be paid into, or disposed of for the benefit of, the Exchequer in such manner as the Minister for Finance may direct.

Reference on a question of law to High Court

- 46O.** (1) Where a division of the Commission decides, before the making of a decision under section 46G, or where a decision is made under that section to impose an administrative fine, before the making of a determination under section 46J, to refer any question of law arising under section 46E to 46H or section 46I to 46P to the High Court, the Commission shall refer the question.
- (2) Subject to subsection (3), no appeal shall lie to the Court of Appeal from a decision of the High Court on a reference under subsection (1).
 - (3) The High Court may grant leave to appeal, where it certifies that its decision involves a point of law of exceptional public importance and that it is desirable in the public interest that an appeal should be taken to the Court of Appeal.

CHAPTER 5

*Enforcement***Enforcement of investigatory powers by administrative fines**

46P. (1) This section applies, in relation to a relevant investigation, to each of the following persons:

- (a) the inquiry subject;
- (b) a relevant person;
- (c) a member of staff or representative, or former member of staff or representative, of the inquiry subject or a relevant person,

and ‘relevant person’ in this subsection means a person acting for purposes related to the person’s trade, business, craft or profession who may reasonably be aware of information relating to the suspected infringement to which the relevant investigation relates.

(2) Without prejudice to section 35(8), a person to whom this section applies may, subject to subsection (3), be liable to an administrative fine in accordance with this Part which fine shall not exceed the limits referred to in Article 99(5) if in the course of a relevant investigation he or she—

- (a) in purported compliance with a request or requirement under section 36, gives to an authorised officer information that is incorrect, incomplete or misleading, or
- (b) fails to rectify—
 - (i) any failure on his or her part to comply with a request or requirement of an authorised officer under subsection (1)(d), (f), (g) or (h) of that section, or
 - (ii) any information which he or she has given to an authorised officer in purported compliance with a request or requirement under that section and which is incorrect, incomplete or misleading.

(3) Where, in the course of a relevant investigation, a person other than the inquiry subject does an act or makes an omission referred to in any paragraph of subsection (2), that subsection does not authorise the imposition of an administrative fine on that person unless, before the act or omission occurred, the person was given in reasonable time by notice in writing by an authorised officer all relevant information relating to the exercise of the power, or to the request or requirement, referred to in that paragraph, including information about—

- (a) the time within which the person was required to comply with the exercise of the power or with the request or the requirement,

- (b) the maximum amount of the administrative fine that could be imposed on the person, and
- (c) the effect of section 46G and the sections referred to therein, in relation to the imposition of an administrative fine.

CHAPTER 6

*Offences and rules***Categories of offences**

- 46Q.** (1) A person guilty of an offence under this Part that is stated to be a category 1 offence shall be liable—
- (a) on summary conviction, to a class A fine or imprisonment for a term not exceeding 12 months, or both, or
 - (b) on conviction on indictment, to a fine not exceeding €250,000 or imprisonment for a term not exceeding 5 years, or both.
- (2) A person guilty of an offence under this Part or the Schedule that is stated to be a category 2 offence shall be liable—
- (a) on summary conviction, to a class A fine or imprisonment for a term not exceeding 12 months, or both, or
 - (b) on conviction on indictment, to a fine not exceeding €50,000 or imprisonment for a term not exceeding 5 years, or both.

Rules

- 46R.** (1) Subject to the provisions of this Part and the Schedule, the Commission may make rules providing for the conduct of relevant investigations under this Part and the conduct of its proceedings under Chapters 3 and 4.
- (2) In making rules under subsection (1), the Commission shall have regard to the need for fairness and efficiency in the conduct of such relevant investigations and proceedings, in particular the need to address conflicts of interest which may arise in investigations or proceedings or the exercise of powers.
- (3) The Commission shall publish rules made under subsection (1) on a website maintained by it.”.

Schedule: oral hearings (Act of 2014)

- 137.** The Act of 2014 is amended by the insertion of *Schedule 4* to this Act as a Schedule to that Act.

PART 10

MISCELLANEOUS AMENDMENTS

Amendment of section 10 of Communications Regulation Act 2002

138. Section 10 of the Communications Regulation Act 2002 is amended, in subsection (1), by the insertion of the following paragraph after paragraph (ag):

“(ah) to monitor and ensure compliance with the *Regulation of Artificial Intelligence Act 2026* and Regulation (EU) 2024/1689 of the European Parliament and of the Council of 13 June 2024⁹ laying down harmonised rules on artificial intelligence and amending Regulations (EC) No 300/2008, (EU) No 167/2013, (EU) No 168/2013, (EU) 2018/858, (EU) 2018/1139 and (EU) 2019/2144 and Directives 2014/90/EU, (EU) 2016/797 and (EU) 2020/1828 (Artificial Intelligence Act),”.

Amendment of Freedom of Information Act 2014

139. The Freedom of Information Act 2014 is amended, in Part 1 of Schedule 1, by the insertion of the following paragraph after paragraph (z):

“(za) Oifig IS na hÉireann, in the performance of its functions under the *Regulation of Artificial Intelligence Act 2026*, other than in so far as it relates to records concerning the general administration of those functions.”.

9 OJ L, 2024/1689, 12.7.2024.

SCHEDULE 1

Section 91

ORAL HEARINGS

1. This Schedule applies to an oral hearing under *section 91*.
2. In this Schedule—
 - “adjudicator” has the same meaning that it has in *Part 6*;
 - “applicable market surveillance authority” has the same meaning as it has in *Part 6*;
 - “relevant equipment” means any electronic, photographic, magnetic, optical or other equipment, including a computer, which may be used for processing or holding relevant material;
 - “relevant material” means any document, information, or content, however communicated, recorded or stored, which may be relevant to a matter to which the oral hearing relates;
 - “remote hearing” means a hearing in which—
 - (a) the parties concerned (within the meaning of *Part 6*) and the adjudicator are not all in the one place, and
 - (b) one or more of them participate in the hearing by means of electronic communications technology permitting real time transmission and real time two-way audiovisual, or audio, communications.
3. An adjudicator may by notice in writing require a person to attend or participate in an oral hearing at a time and place specified in the notice—
 - (a) to give evidence in respect of any matter in issue, or
 - (b) to produce any relevant material or relevant equipment that is within the person’s possession or control or which the person is able to procure.
4. At an oral hearing, the adjudicator may take evidence on oath or affirmation and may administer an oath for that purpose.
5. The adjudicator may allow a witness at an oral hearing to give evidence by tendering a written statement.
6. A written statement tendered under *paragraph 5* shall be verified by oath or affirmation.
7. A person giving evidence at an oral hearing, including an authorised officer, may be examined and cross-examined at the oral hearing.
8. The adjudicator—
 - (a) is bound by the rules of evidence in the conduct of an oral hearing, and
 - (b) shall have regard to rules made under *section 93*.

9. A person to whom notice is given under *paragraph 3* is entitled to the same immunities and privileges in respect of compliance with any requirement referred to in that paragraph as if the person were a witness before the High Court.
10. Where a person to whom notice is given under *paragraph 3* does not comply with a requirement referred to in that paragraph, the adjudicator may apply in a summary manner to the High Court, on notice to that person, for an order requiring the person to comply with the requirement within a period to be specified by the High Court, and the High Court may make the order sought or such other order as it thinks fit or refuse to make any order.
11. Nothing in this Schedule shall compel the disclosure by any person of any information that the person would be entitled to refuse to produce on the grounds of legal professional privilege or authorises the inspection or copying of any document containing such information that is in the person's possession.
12. The adjudicator, where satisfied that special circumstances arise which so necessitate, may—
 - (a) hold an oral hearing otherwise than in public, or partly otherwise than in public, or
 - (b) require that information is not disclosed in an oral hearing, or not otherwise published or reported where the applicable market surveillance authority in the matter considers that—
 - (i) the information is commercially sensitive,
 - (ii) publication of the information may prejudice an ongoing investigation by An Garda Síochána or any public body, or
 - (iii) the information is personal data.
13. The applicable market surveillance authority may pay or reimburse out of moneys at its disposal, in whole or in part, the reasonable travelling and subsistence expenses of a person required to attend an oral hearing.
14. An oral hearing may be held by remote hearing.
15. A person who, without reasonable excuse, knowingly gives false or misleading evidence on oath or affirmation at an oral hearing shall be guilty of an offence and shall be liable—
 - (a) on summary conviction, to a class A fine or to imprisonment for a term not exceeding 6 months, or both, or
 - (b) on conviction on indictment, to a fine not exceeding €250,000 or imprisonment for a term not exceeding 5 years, or both.
16. A person who does not comply with a requirement under *paragraph 3* or *paragraph 12(b)* shall be guilty of an offence and shall be liable—

- (a) on summary conviction, to a class A fine or imprisonment for a term not exceeding 12 months or both, or
- (b) on conviction on indictment, to a fine not exceeding €50,000 or imprisonment for a term not exceeding 5 years or both.

17. A statement or admission made by a person in the course of an oral hearing shall not be admissible in evidence in proceedings brought against the person for an offence, other than an offence under *paragraph 15*, and this shall be explained to the person in ordinary language by the adjudicator.

SCHEDULE 2

Section 83

ASSIGNMENT OF ADJUDICATOR

1. The Office shall assign the next available adjudicator using the following method:
 - (a) the adjudicator appearing first numerically on the register referred to in *Schedule 3* (in this Schedule referred to as “the register”), shall be assigned unless *paragraph 2* or *3* applies to that adjudicator;
 - (b) where *paragraph 2* or *3* applies to the adjudicator appearing first numerically on the register, the Office shall assign the adjudicator appearing next numerically on the register to whom *paragraph 2* or *3* does not apply;
 - (c) where the adjudicator most recently assigned is the adjudicator appearing last on the register, the next available adjudicator shall, subject to *clause (b)*, be the adjudicator appearing first numerically on the register.
2. This paragraph applies to an adjudicator if the adjudicator is—
 - (a) already assigned in relation to a matter under this Act, or
 - (b) otherwise unable to carry out their functions as an adjudicator.
3. This paragraph applies to an adjudicator if the Office has assigned the adjudicator on an occasion that is more recent than the occasion on which any subsequently-numbered adjudicator was assigned.

SCHEDULE 3

Section 120

REGISTER OF ADJUDICATORS

The Office shall ensure the following in relation to the register referred to in *section 120*:

1. the register is maintained in numbered form, with each number corresponding to one person;
2. persons are entered on the register as soon as practicable after their appointment as adjudicator under this Part;
3. subject to *paragraphs 4 and 5*, persons are entered on the register in the order in which they are appointed;
4. where more than one person is appointed simultaneously, those persons are entered on the register alphabetically by surname;
5. where more than one person is appointed simultaneously and those persons have the same surname, those persons are entered on the register alphabetically by first name;
6. once entered on the register, a person's numerical position on the register shall not change;
7. persons are not removed from the register unless they die, resign, are removed or their term of appointment as adjudicator ends;
8. the Office shall, from time to time, review each entry in the register and, if it becomes aware that any particular in the register is incorrect or has ceased to be correct, it shall make such alteration to the register as it considers necessary.

SCHEDULE 4

Section 137

ORAL HEARINGS (ACT OF 2014)

Section 46C
“SCHEDULE

ORAL HEARINGS

1. (1) This Schedule applies to an oral hearing under section 46C, 46F(3) or (4)(d) or 46I(2)(a).
(2) In this Schedule—
‘conducting authority’ means—
 - (a) in relation to an oral hearing under section 46C, the authorised officer conducting the hearing, and
 - (b) in relation to an oral hearing under section 46F(3) or (4)(d) or 46I(2)(a), the Commission;‘relevant equipment’ means any electronic, photographic, magnetic, optical or other equipment, including a computer, which may be used for processing or holding relevant material;
‘relevant material’ means any document, information or content, however communicated, recorded or stored, which may be relevant to a matter to which the oral hearing relates;
‘remote hearing’ means a hearing in which—
 - (a) the participants, including the conducting authority, are not all in one place, and
 - (b) one or more of them participate in the hearing by means of electronic communications technology permitting real time transmission and real time two-way audiovisual, or audio, communications.
- (3) This Schedule is without prejudice to section 18.
2. The conducting authority may by notice in writing require a person to attend or participate in an oral hearing at a time and place specified in the notice—
 - (a) to give evidence in respect of any matter in issue, or
 - (b) to produce any relevant material or relevant equipment which is within the person’s possession or control or which the person can procure.
3. At an oral hearing, the conducting authority may take evidence on oath

or affirmation and may administer an oath for that purpose.

4. (1) The conducting authority may allow a witness at an oral hearing to give evidence by tendering a written statement.
(2) A statement tendered under subparagraph (1) shall be verified by oath or affirmation.
5. A person giving evidence at an oral hearing, including an authorised officer, may be examined and cross-examined at the oral hearing.
6. The conducting authority is bound by the rules of evidence in the conduct of an oral hearing, subject to such exceptions to the rule against hearsay evidence as may be provided for by rules under section 46R.
7. A person to whom notice is given under paragraph 2 shall be entitled to the same immunities and privileges in respect of compliance with any requirement referred to in that paragraph as if the person were a witness before the High Court.
8. Where a person to whom notice is given under paragraph 2 does not comply with a requirement referred to in that paragraph, the conducting authority may apply in a summary manner to the Circuit Court, on notice to that person, for an order requiring the person to comply with the requirement within a period to be specified by the court, and the court may make the order sought or such other order as it thinks fit or refuse to make any order.
9. Nothing in this Schedule shall compel the disclosure by any person of any information that the person would be entitled to refuse to produce on the grounds of legal professional privilege or authorises the inspection or copying of any document containing such information that is in the person's possession.
10. The conducting authority, where it is satisfied that special circumstances arise which so necessitate, may—
 - (a) hold an oral hearing otherwise than in public, or partly otherwise than in public, or
 - (b) require that any information is not disclosed in an oral hearing, or not otherwise published or reported where the Commission considers that—
 - (i) it is commercially sensitive,
 - (ii) its publication may prejudice an ongoing investigation by the Commission, An Garda Síochána or any other public body, or
 - (iii) it is personal data.
11. The Commission may pay or reimburse out of moneys at its disposal,

in whole or in part, the reasonable travelling and subsistence expenses of a person required to attend an oral hearing.

12. An oral hearing may be held by remote hearing.
13. A person who, without reasonable excuse, knowingly gives false or misleading evidence on oath or affirmation shall be guilty of an offence and shall be liable—
 - (a) on summary conviction, to a class A fine or to imprisonment for a term not exceeding 6 months, or both, or
 - (b) on conviction on indictment, to a fine not exceeding €250,000 or imprisonment for a term not exceeding 5 years, or both.
14. A person who does not comply with a requirement under paragraph 2 or paragraph 10(b) shall be guilty of a category 2 offence.
15. Without prejudice to paragraph 13, a person may be liable to an administrative fine in accordance with Part 2A if in an oral hearing where the suspected infringement is a relevant infringement, he or she knowingly gives incorrect, incomplete or misleading evidence on oath or affirmation.
16. A statement or admission made by a person in the course of an oral hearing shall not be admissible in evidence in proceedings brought against the person for an offence, other than an offence under paragraph 13, and this shall be explained to the person in ordinary language by the conducting authority.”.