



DÁIL ÉIREANN

AN BILLE UM SCAGADH IDIRBHEART TRÍÚ TÍORTHA, 2022 SCREENING OF THIRD COUNTRY TRANSACTIONS BILL 2022

LEASUITHE COISTE COMMITTEE AMENDMENTS

DÁIL ÉIREANN

AN BILLE UM SCAGADH IDIRBHEART TRÍÚ TÍORTHA, 2022 —ROGHCHOISTE

SCREENING OF THIRD COUNTRY TRANSACTIONS BILL 2022 —SELECT COMMITTEE

Leasuithe Amendments

SECTION 2

1. In page 6, line 1, after “an” to insert “asset or of an”.

—An tAire Fiontar, Trádála agus Fostaíochta.

2. In page 6, line 6, after “an” to insert “asset or an”.

—An tAire Fiontar, Trádála agus Fostaíochta.

3. In page 6, line 25, after “the” where it firstly occurs to insert “public good,”.

—Louise O'Reilly.

4. In page 7, to delete lines 10 to 17 and substitute the following:

“ “transaction” means any acquisition, agreement or other economic activity resulting in—

- (a) a change in control of an asset in the State, or
- (b) the acquisition of all or part of, or of any interest in, an undertaking in the State;”.

—An tAire Fiontar, Trádála agus Fostaíochta.

5. In page 7, to delete lines 24 to 31 and substitute the following:

“(2) In this Act, a person shall be regarded as exercising control of—

- (a) an asset, where that person has ownership of, or the right to use, all or part of the asset, and
- (b) an undertaking, where that person can exercise decisive influence over the activities of the undertaking by any means, including as a consequence of—
 - (i) the existence of rights or contracts conferring decisive influence on the composition, voting or other commercial decisions of the undertaking, or
 - (ii) ownership of, or the right to use, all or part of the assets of the undertaking.”.

—An tAire Fiontar, Trádála agus Fostaíochta.

[SECTION 2]

6. In page 7, line 32, after “an” to insert “asset or of an”.

—An tAire Fiontar, Trádála agus Fostaíochta.

7. In page 7, line 33, to delete “an” where it secondly occurs and substitute “the asset or of the”.

—An tAire Fiontar, Trádála agus Fostaíochta.

8. In page 8, line 3, to delete “the circumstances in which”.

—An tAire Fiontar, Trádála agus Fostaíochta.

9. In page 8, line 4, to delete “include” and substitute “where it”.

—An tAire Fiontar, Trádála agus Fostaíochta.

10. In page 8, to delete lines 5 to 9 and substitute the following:

“(a) is constituted or otherwise governed by the laws of the State, or

(b) has its principal place of business in the State.”.

—An tAire Fiontar, Trádála agus Fostaíochta.

SECTION 4

11. In page 9, lines 3 and 4, to delete “15 months” and substitute “12 months”.

—Louise O'Reilly.

12. In page 9, line 26, after “the” where it secondly occurs to insert “public good,”.

—Louise O'Reilly.

SECTION 5

Section opposed.

—Louise O'Reilly.

SECTION 6

13. In page 10, line 4, to delete “C” and substitute “A”.

—An tAire Fiontar, Trádála agus Fostaíochta.

SECTION 8

14. In page 10, between lines 36 and 37, to insert the following:

“(2) Confirmation that a notice or other document served on or given to a person under *subsection (1)* must be received from the person to whom the notice or other document is being served.”.

—Louise O'Reilly.

SECTION 9

15. In page 11, line 4, to delete “Subject to *subsection (2)*, a” and substitute “A”.

—An tAire Fiontar, Trádála agus Fostaíochta.

[SECTION 9]

16. In page 11, lines 6 and 7, to delete all words from and including “is” in line 6 down to and including line 7 and substitute “as a result of the transaction—”.

—An tAire Fiontar, Trádála agus Fostaíochta.

17. In page 11, line 7, after “transaction” to insert “, including through limited partnerships and other forms incorporated within the State”.

—Marc Ó Cathasaigh, Francis Noel Duffy.

18. In page 11, between lines 7 and 8, to insert the following:

- “(i) acquires control of an asset in the State, or
(ii) changes the percentage of shares or voting rights it holds in an undertaking in the State—
(I) from 25 per cent or less to more than 25 per cent, or
(II) from 50 per cent or less to more than 50 per cent;”.

—An tAire Fiontar, Trádála agus Fostaíochta.

19. In page 11, line 9, after “€2,000,000” to insert “, for one natural person or body corporate in a period of 12 months”.

—Marc Ó Cathasaigh, Francis Noel Duffy.

20. In page 11, line 11, to delete “directly or indirectly”.

—An tAire Fiontar, Trádála agus Fostaíochta.

21. In page 11, line 12, to delete “Regulation;” and substitute “Regulation.”.

—An tAire Fiontar, Trádála agus Fostaíochta.

22. In page 11, between lines 12 and 13, to insert the following:

- “(d) the transaction relates, directly or indirectly, to land and real estate for, or which could be used for, housing or accommodation;”.

—Louise O'Reilly.

23. In page 11, to delete lines 13 to 21.

—An tAire Fiontar, Trádála agus Fostaíochta.

24. In page 11, line 26, after “the” where it firstly occurs to insert “public good,”.

—Louise O'Reilly.

SECTION 10

25. In page 12, line 5, after “undertaking” to insert “, the names of the natural persons who own the parties in the case of bodies corporate”.

—Marc Ó Cathasaigh, Francis Noel Duffy.

26. In page 12, between lines 19 and 20, to insert the following:

- “(xii) details of any sanctions imposed on the parties, or the state or territory under

[SECTION 10]

whose laws the parties are constituted, registered, or otherwise organised, by the United Nations;

(xiii) details of any sanctions imposed on the parties, or the state or territory under whose laws the parties are constituted, registered, or otherwise organised, by the International Criminal Court;

(xiv) details of any convictions in any other state or territory under whose laws the parties are constituted, registered, or otherwise organised, in relation to competition laws, human rights laws, or employment rights laws;”.

—Louise O'Reilly.

27. In page 12, line 27, after “the” where it firstly occurs to insert “public good,”.

—Louise O'Reilly.

SECTION 11

28. In page 13, to delete lines 22 to 28 and substitute the following:

“(4) Where a notifiable transaction is completed no later than 10 days from the date on which *section 10* comes into operation, a party to the transaction shall be deemed to comply with *section 10(1)* where the party provides the Minister with the information referred to in *section 10(1)(b)* no later than 30 days from the date on which the transaction is completed.”.

—An tAire Fiontar, Trádála agus Fostaíochta.

SECTION 12

29. In page 14, line 4, after “the” where it firstly occurs to insert “public good,”.

—Louise O'Reilly.

30. In page 14, between lines 9 and 10, to insert the following:

“(III) control, directly or indirectly, of land and real estate for, or which could be used for, housing or accommodation,”.

—Louise O'Reilly.

SECTION 13

31. In page 14, line 28, after “the” where it secondly occurs to insert “public good,”.

—Louise O'Reilly.

32. In page 14, line 30, after “the” to insert “public good,”.

—Louise O'Reilly.

33. In page 15, line 4, after “the’ where it secondly occurs to insert “public good,”.

—Louise O'Reilly.

[SECTION 13]

34. In page 15, between lines 11 and 12, to insert the following:

“(ii) undertake actions that are disruptive or destructive to the provision of housing or accommodation, especially social and affordable housing, in the State,”.

—Louise O'Reilly.

35. In page 15, line 19, after “technologies” to insert “, land and real estate for, or which could be used for, housing or accommodation,”.

—Louise O'Reilly.

36. In page 15, line 20, after “the” where it firstly occurs to insert “public good,”.

—Louise O'Reilly.

37. In page 15, to delete line 25 and substitute “Union;”.

—An tAire Fiontar, Trádála agus Fostaíochta.

38. In page 15, between lines 25 and 26, to insert the following:

“(j) the extent to which the transaction affects, or would be likely to affect, projects or programmes of Union interest within the meaning of Article 8 of the Regulation.”.

—An tAire Fiontar, Trádála agus Fostaíochta.

39. In page 15, line 28, after “panel” to insert “, or such members of the advisory panel as the Minister considers appropriate,”.

—An tAire Fiontar, Trádála agus Fostaíochta.

SECTION 15

40. In page 16, line 15, after “the” to insert “public good,”.

—Louise O'Reilly.

SECTION 16

41. In page 16, line 29, after “the” where it firstly occurs to insert “public good,”.

—Louise O'Reilly.

42. In page 16, line 33, after “decision” to insert “on or before the later of”.

—An tAire Fiontar, Trádála agus Fostaíochta.

43. In page 16, to delete lines 34 to 38, and in page 17, to delete lines 1 to 11 and substitute the following:

“(a) 90 days from the date on which the screening notice in relation to the transaction is issued, or

(b) such date, not being more than 135 days from the date on which the screening notice in relation to the transaction is issued, as the Minister may specify in a notice in writing to the parties to the transaction within the period referred to in

[SECTION 16]

paragraph (a).”.

—An tAire Fiontar, Trádála agus Fostaíochta.

44. In page 17, line 13, to delete “(a) or (b)”.

—An tAire Fiontar, Trádála agus Fostaíochta.

45. In page 17, line 15, after “the” where it secondly occurs to insert “public good,”.

—Louise O'Reilly.

46. In page 17, line 18, after “the” where it firstly occurs to insert “public good,”.

—Louise O'Reilly.

SECTION 17

47. In page 17, line 32, after “the” where it secondly occurs to insert “public good,”.

—Louise O'Reilly.

48. In page 17, line 35, after “the” where it secondly occurs to insert “public good,”.

—Louise O'Reilly.

SECTION 18

49. In page 18, line 4, after “the” where it firstly occurs to insert “public good,”.

—Louise O'Reilly.

50. In page 18, line 10, after “the” where it firstly occurs to insert “public good,”.

—Louise O'Reilly.

51. In page 18, line 15, after “the” where it firstly occurs to insert “public good,”.

—Louise O'Reilly.

52. In page 18, line 19, after “the” where it secondly occurs to insert “public good,”.

—Louise O'Reilly.

53. In page 18, line 22, after “the” where it secondly occurs to insert “public good,”.

—Louise O'Reilly.

SECTION 20

54. In page 20, line 4, to delete “*subsection (3)(a) or (b)*, as the case may be, of *section 16*” and substitute “*section 16(3)*”.

—An tAire Fiontar, Trádála agus Fostaíochta.

SECTION 22

55. In page 21, line 16, after “the” where it thirdly occurs to insert “public good,”.

—Louise O'Reilly.

[SECTION 22]

56. In page 21, between lines 19 and 20, to insert the following:

“(d) the Minister is satisfied there are no conflict(s) of interest.”.

—Louise O'Reilly.

SECTION 25

57. In page 25, line 4, after “the” where it firstly occurs to insert “public good,”.

—Louise O'Reilly.

SECTION 26

58. In page 25, line 16, after “Act” to insert “, or a screening decision deemed by this Act to have been made,”.

—An tAire Fiontar, Trádála agus Fostaíochta.

SECTION 30

59. In page 28, line 1, after “the” where it firstly occurs to insert “public good,”.

—Louise O'Reilly.

SECTION 31

60. In page 29, line 3, after “the” to insert “public good,”.

—Louise O'Reilly.

SECTION 33

61. In page 30, line 18, after “the” where it secondly occurs to insert “public good,”.

—Louise O'Reilly.

62. In page 30, line 24, after “the” where it firstly occurs to insert “public good,”.

—Louise O'Reilly.

SECTION 36

63. In page 32, line 9, after “the” where it firstly occurs to insert “public good,”.

—Louise O'Reilly.

64. In page 32, line 19, after “the” where it firstly occurs to insert “public good,”.

—Louise O'Reilly.

65. In page 32, line 39, after “the” to insert “public good,”.

—Louise O'Reilly.

SECTION 38

66. In page 33, line 27, after “*section 34(5)*,” to insert “or an appeal from any decision of the High Court under *sections 35 to 37*,”.

—An tAire Fiontar, Trádála agus Fostaíochta.

SECTION 40

67. In page 34, line 17, to delete “appoint” and substitute “nominate”.

—Louise O'Reilly.

[SECTION 40]

68. In page 34, line 20, after “panel” to insert the following:

“once they have been approved by the Top Level Appointments Committee (TLAC) in accordance with *subsection (6)*”.

—Louise O'Reilly.

69. In page 34, line 23, after “Minister” to insert the following:

“, once they have been approved by the Top Level Appointments Committee (TLAC) in accordance with *subsection (6)*,”.

—Louise O'Reilly.

70. In page 34, between lines 29 and 30, to insert the following:

“(vi) the Minister for Housing, Local Government and Heritage;”.

—Louise O'Reilly.

71. In page 34, line 32, after “Minister” to insert the following:

“, once they have been approved by the Top Level Appointments Committee (TLAC) in accordance with *subsection (6)*,”.

—Louise O'Reilly.

72. In page 34, line 34, after “Minister” to insert “and the Top Level Appointments Committee (TLAC)”.

—Louise O'Reilly.

73. In page 34, line 35, to delete “appointed” and substitute “nominated”.

—Louise O'Reilly.

74. In page 35, line 13, to delete “appoint” and substitute “nominate”.

—Louise O'Reilly.

75. In page 35, line 20, to delete “appoint” and substitute “nominate”.

—Louise O'Reilly.

76. In page 35, line 21, after “vacancy” to insert the following:

“once they have been approved by the Top Level Appointments Committee (TLAC) in accordance with *subsection (6)*”.

—Louise O'Reilly.

77. In page 35, line 26, to delete “appoint” and substitute “nominate”.

—Louise O'Reilly.

[SECTION 40]

78. In page 35, line 26, after “vacancy” to insert the following:

“once they have been approved by the Top Level Appointments Committee (TLAC) in accordance with *subsection (6)*”.

—Louise O'Reilly.

79. In page 35, between lines 26 and 27, to insert the following:

“(6) Any person nominated under *subsection (1)*, *subsection (2)*, *subsection (3)*, *subsection (4)*, or *subsection (5)* shall not be deemed to be a member of the advisory panel until such time as they have been approved and appointed by the Top Level Appointments Committee (TLAC).”.

—Louise O'Reilly.

TITLE

80. In page 5, line 6, after “the” where it firstly occurs to insert “public good,”.

—Louise O'Reilly.

81. In page 5, line 9, after “the” where it firstly occurs to insert “public good,”.

—Louise O'Reilly.