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**An Bille um Cheartas Coiriúil (Comhar Idirnáisiúnta  
maidir le Fianaise Leictreonach agus Nithe Eile), 2026**  
**Criminal Justice (International Cooperation On  
Electronic Evidence and Other Matters) Bill 2026**

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*Meabhrán Mínitheach agus Airgeadais*  
*Explanatory and Financial Memorandum*

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**AN BILLE UM CHEARTAS COIRIÚIL (COMHAR  
IDIRNÁISIÚNTA MAIDIR LE FIANÁISE LEICTREONACH  
AGUS NITHE EILE), 2026**  
**CRIMINAL JUSTICE (INTERNATIONAL COOPERATION ON  
ELECTRONIC EVIDENCE AND OTHER MATTERS) BILL  
2026**

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**EXPLANATORY AND FINANCIAL MEMORANDUM**

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**Purpose of the Bill**

The Programme for Government committed to prioritising the implementation of the e-Evidence package, including by establishing a new criminal justice entity. The primary purposes of the Bill are to transpose Directive (EU) 2023/1544 laying down harmonised rules on the designation of designated establishments and the appointment of legal representatives for the purpose of gathering electronic evidence in criminal proceedings (the “e-Evidence Directive”) and to give further effect to Regulation (EU) 2023/1543 on European Production Orders and European Preservation Orders for electronic evidence in criminal proceedings and for the execution of custodial sentences following criminal proceedings (the “e-Evidence Regulation”). In particular, the Bill provides for:

- the imposition of an obligation on service providers to designate designated establishments or legal representatives for the receiving of, complying with and the enforcement of relevant decisions or orders relating to electronic evidence;
- the establishment of *Oifig an Stiúrthóra um Chomhar Idirnáisiúnta Ceartais Choiriúil* or the Office of the Director of Criminal Justice International Cooperation;
- the appointment of the Director of Criminal Justice International Cooperation (“the Director”);
- the Director to be responsible for monitoring and enforcement of compliance by service providers with the e-Evidence Regulation and their obligations under the Bill;
- the imposition of financial penalties on service providers that are in contravention of their obligations under e-Evidence Regulation or the Bill.

Ireland is obligated to give effect to the e-Evidence Directive and the e-Evidence Regulation.

The Bill also provides for the designation of the Director as the competent authority under Article 12(1)(b) of Regulation (EU) 2021/784

on addressing the dissemination of terrorist content online, to scrutinise incoming removal orders to determine if the order infringes the Regulation or fundamental rights.

## **Provisions of the Bill**

### **PART 1**

#### **PRELIMINARY AND GENERAL**

##### **1. Short title and commencement**

*Section 1* contains the short title of the Bill and provides that sections 1 to 3, Part 2 and section 26, will commence on enactment. All other provisions of the Bill will be subject to commencement orders made by the Minister for Justice, Home Affairs and Migration (“the Minister”), enabling a phased implementation of the measures contained in the Bill.

##### **2. Interpretation**

*Section 2* provides for the definitions of terms used in the Bill.

##### **3. Expenses**

*Section 3* is a standard provision regarding expenses incurred in the administration of the Bill.

##### **4. Designation of competent authority for purposes of Terrorist Content Online Regulation**

*Section 4* designates the Director of Criminal Justice International Cooperation as the competent authority for the purposes of Article 12(1) (b) of the Terrorist Content Online Regulation.

##### **5. Revocation and saver**

*Section 5* revokes the European Union (Online Dissemination of Terrorist Content) (Designation of the Commissioner of An Garda Síochána as a Competent Authority) Regulations 2025 (S.I. No. 375 of 2025). This section includes a saving provision whereby the Regulations of 2025 will continue to apply in respect of a removal order received, and in respect of which a reasoned decision has yet to be adopted, by the Garda Commissioner.

##### **6. Service of notices and documents**

*Section 6* provides for the service of notices or other documents under the Bill, including by electronic means.

##### **7. Orders and Regulations**

*Section 7* is a standard provision relating to regulations and orders to be made under the Bill.

### **PART 2**

#### **OFFICE OF THE DIRECTOR OF CRIMINAL JUSTICE INTERNATIONAL COOPERATION**

##### **8. Establishment of Office of the Director of Criminal Justice International Cooperation**

*Section 8* provides for the establishment of *Oifig an Stiúirthóra um Chomhar Idirnáisiúnta Ceartais Choiriúil* or, in the English language, the Office of the Director of Criminal Justice International Cooperation, referred to in the Bill as the “Director”. This section also provides that the *Schedule* shall have effect in relation to the Director.

## **9. Director of Criminal Justice International Cooperation**

*Section 9* provides for the appointment of a person as Director. The Government shall appoint a person to this office for a term not exceeding 5 years, which may be extended by reappointment to a maximum aggregate term of 10 years.

## **10. Ineligibility to become and disqualification to act as Director**

*Section 10* sets out the circumstances in which a person is not eligible for appointment as Director or is disqualified from holding office as Director.

## **11. Membership of either House of Oireachtas, European Parliament or local authority: Director**

*Section 11* is a standard provision, which provides that a person cannot act or hold office as Director and simultaneously be a member of the Oireachtas, the European Parliament, or a local authority.

## **12. Resignation and removal of Director**

*Section 12* provides for the resignation and removal of the Director.

## **13. Members of staff of Director**

*Section 13* provides for the appointment of members of staff of the Director.

## **14. Deputy Director**

*Section 14* provides for the appointment by the Director of a Deputy Director from among the members of staff of the Director.

## **15. Engagement of consultants and advisers**

*Section 15* provides that the Director may, with the consent of the Minister for Public Expenditure Infrastructure Public Service Reform and Digitalisation, engage consultants and advisers to assist in the performance of the Director's functions.

## **16. Indemnity**

*Section 16* provides that a Director, or a former Director, is indemnified against legal costs and damages, save where an act or omission in performing a function was done in bad faith.

## **17. Functions of Director**

*Section 17* sets out the functions of the Director. The functions of the Director include:

- to manage and control generally the staff, administration and business of the office of the Director;
- to maintain financial records in relation to his or her functions;
- to provide the Minister with any financial information required by the Minister for budgetary and accounting purposes;
- to monitor and enforce compliance by service providers with the Bill and the e-Evidence Regulation;
- to take enforcement measures, in accordance with Part 5 of the Bill, as necessary; and
- to make representations to, or otherwise assist, a court or other public authority for purposes connected with the e-Evidence Regulation.

The Director shall, subject to the provisions of the Bill, be independent in the performance of his or her functions.

## **18. Delegation of functions of Director**

*Section 18* is a standard provision providing for the delegation of functions of the Director to a member of staff.

## **19. Information sharing agreements with relevant persons in State**

*Section 19* provides that the Director may enter into an information sharing agreement with the Competition and Consumer Protection Commission, Coimisiún na Meán, the Corporate Enforcement Authority, Fiosrú, An Garda Síochána, or the Revenue Commissioners.

## **20. Annual Report**

*Section 20* provides that the Director will submit an annual report to the Minister on the performance of the Director's functions over the previous twelve months. Provision is also made that the Minister will cause the report to be laid before the Houses of the Oireachtas.

## **21. Statistical Information**

*Section 21* sets out the statistical information that the Director must collect and on an annual basis submit to the Minister.

## **22. Guidance Notes**

*Section 22* provides that the Director may issue guidance notes to service providers to promote compliance with their obligations under the Bill.

### **PART 3**

#### **E-EVIDENCE REGULATION ENFORCING AUTHORITY AND CENTRAL AUTHORITY**

## **23. Designation of enforcing authority for purposes of e-Evidence Regulation**

*Section 23* designates the Director as the enforcing authority in the State for the e-Evidence Regulation.

## **24. Designation of central authority for purposes of e-Evidence Regulation**

*Section 24* designates the Director as the central authority in the State for the e-Evidence Regulation.

### **PART 4**

#### **E-EVIDENCE DIRECTIVE**

#### **CHAPTER 1**

#### *Preliminary and General*

## **25. Interpretation (Part 4)**

*Section 25* provides for the definitions of terms used in Part 4 of the Bill.

#### **CHAPTER 2**

#### *e-Evidence Directive: Central Authority*

## **26. Designation of central authority for purposes of e-Evidence Directive**

*Section 26* designates the Director as the central authority in the State for the e-Evidence Directive.

## CHAPTER 3

### *E-Evidence Directive – obligations of service providers*

#### **27. Designation of designated establishment and appointment of legal representative by service provider**

*Section 27* provides that service providers established in the State and offering services in the State or in another EU Member State must designate one or more designated establishments for the purpose of receiving, complying with and the enforcement of decisions or orders. This section also provides that where service providers are not established in the State or in another EU Member State and offer services in the State, they must appoint one or more legal representatives for the purpose of receiving, complying with and the enforcement of decisions and orders. Where a service provider is offering services in the State or in another Member State on the coming into operation of this section, they must comply with the obligations that this section imposes by 18 August 2026. Where a service provider starts offering services in the State or in another EU Member State after the coming into operation of this section, they must comply these obligations six months after they start to offer such services.

#### **28. Powers and resources for relevant addressees**

*Section 28* provides that service providers must ensure that designated establishments or legal representatives have the necessary powers and resources to comply with decisions and orders. This section also provides that the Director will take all reasonable steps to verify that service providers comply with this obligation. If, arising from the above verification process or otherwise, the Director considers that a service provider has not complied with this obligation, the Director shall, by notice in writing, identify any additional powers and resources that the service provider needs to provide in order to comply.

#### **29. Notices and languages**

*Section 29* provides that service providers must notify the Director of the addresses and contact details of their designated establishments and legal representatives. The notification should also provide information about the languages in which the designated establishment or the legal representative can be addressed. This section also provides that where a service provider designates several designated establishments or appoints several legal representatives they must indicate, for each designated establishment or legal representative, the precise territorial scope of its designation or appointment.

#### **30. Liability of service providers and relevant addressees**

*Section 30* provides that service providers and their designated establishments and legal representatives shall be jointly and severally liable for compliance with obligations imposed on them in relation to decisions and orders.

## PART 5

### ENFORCEMENT: RELEVANT OBLIGATIONS AND E-EVIDENCE REGULATION OBLIGATIONS

#### CHAPTER 1

##### *Preliminary and General*

#### **31. Definitions (Part 5)**

*Section 31* provides for the definition of terms used in Part 5 of the Bill. It defines “e-Evidence Regulation obligation” as an obligation under Article 10, 11 or 13(4) of the e-Evidence Regulation. It defines “relevant obligation” as an obligation on a service provider to, where applicable, designate a designated establishment or appoint a legal representative in accordance with section 27, provide a designated establishment or legal representative with the necessary powers and resources in accordance with section 28, comply with a notice issued by the Director pursuant to section 28, or notify the Director in accordance with section 29.

#### **32. Privileged legal material**

*Section 32* is a standard provision intended to protect legal privilege.

#### **33. Non-disclosure of confidential information**

*Section 33* creates an offence where a member of staff of the Director, an authorised officer, a consultant, advisor or other person contracted to or otherwise engaged by the Director, or an adjudication officer makes an unauthorised disclosure of information acquired while performing functions under the Bill.

#### **34. False or misleading information, documentation or evidence**

*Section 34* creates an offence where a person knowingly gives false or misleading information or evidence to the Director or an adjudication officer in the performance of their respective functions.

#### CHAPTER 2

##### *Authorised Officers: relevant obligations*

#### **35. Appointment of authorised officers**

*Section 35* provides for the appointment of authorised officers by the Director for the purpose of the Bill.

#### **36. Powers of authorised officers**

*Section 36* provides for the powers of an authorised officer for the purposes of the Bill. These include entering any place where an activity connected with an obligation of a service provider under the Bill, or an activity connected with a designated establishment or legal representative insofar as it relates to such an obligation, is taking place or there is reasonable grounds to believe is taking place, or there is reasonable grounds to believe that records relating to such activity are being kept. The section also provides that an authorised officer can search and inspect such a place and any records found there, require a person to produce relevant records and provide information in relation to such records, secure records and computers on which records are held for later inspection, take extracts from or copy records, and remove and retain records. In the performance of their functions under the Bill, an authorised officer may also operate a computer and require a person to facilitate access to records on a computer, including by providing a password for the device. Where an authorised officer in the performance of their functions is being prevented from entering any place, they may,

in accordance with section 37, apply to a judge of the District Court for a warrant to enter that place. A person that impedes or obstructs an authorised officer in the exercise of their powers, fails or refuses to comply with a requirement of an authorised officer, alters, suppresses or destroys any records, or knowingly provides false or misleading information to an authorised officer, shall be guilty of an offence.

### **37. Search warrants**

*Section 37* provides that a judge of the District Court may issue a search warrant authorising an authorised officer to enter a place if satisfied, based on the sworn information of an authorised officer, that there are reasonable grounds for suspecting that there are records required by the authorised officer for the performance of their functions held at that place. A search warrant issued under this section will be valid for 28 days but this period may be extended for a period not exceeding a further 28 days by a judge of the District Court on application by an authorised officer.

## **CHAPTER 3**

### ***Compliance with relevant obligations: general***

### **38. Obligation to provide compliance report and information and documentation**

*Section 38* provides that the Director may, by notice in writing, request that a service provider provides the Director with a compliance report to enable the Director to confirm that the service provider is complying a relevant obligation. The service provider must comply with such a request either within the period specified by the Director in the notice or within such further period as may be agreed in writing between the Director and the service provider. This section also provides that the Director may by notice in writing request that a service provider provide information or documentation relating to the service provider's compliance with a relevant obligation. The service provider must comply with such a request either within the period specified by the Director in the notice or within such further period as may be agreed in writing between the Director and the service provider. Where it appears to the Director that a service provider has failed to comply with a request under this section, the District Court may, on application by the Director, make an order directing the service provider to comply with that request.

### **39. Action by Director in relation to alleged contravention of relevant obligation**

*Section 39* provides that, where the Director is of the opinion that a service provider has contravened a relevant obligation, the Director may either enter into an agreement with the service provider in respect of the alleged contravention or cause a directed investigation to be undertaken. The section also sets out the factors that the Director shall have regard to when making such a determination.

### **40. Power of Director to enter agreement with service provider in respect of alleged contravention**

*Section 40* provides that the Director may, in accordance with section 39(1)(a) or section 44(c), enter into a written agreement with a service provider setting out the steps which a service provider agrees to take, and the period within which those steps shall be taken, to comply with a relevant obligation. Where a service provider fails to comply with such an agreement, a judge of the Circuit Court may, on application by the Director, make an order directing the service provider to comply with the agreement.

## CHAPTER 4

### *Directed investigation: relevant obligations*

#### **41. Definitions (Chapter 4, Part 5)**

*Section 41* provides for definitions of terms used in Chapter 4 of Part 5 of the Bill.

#### **42. Power to direct investigation**

*Section 42* provides that, where the Director decides to cause a directed investigation to be conducted in accordance with section 39, the Director may direct an authorised officer to undertake a directed investigation to determine whether a service provider has contravened a relevant obligation. In such an instance, the Director will provide the authorised officer with a statement in writing of the scope and terms of the investigation, which can be amended by the Director at any point prior to the completion of the investigation.

#### **43. Investigation report**

*Section 43* provides that an authorised officer shall, as soon practicable after completing a directed investigation, prepare a draft report, and send a copy of the draft report to the service provider together with a notice in writing informing that the service provider has 28 days to make submissions in writing to the authorised officer on the draft report. On application by the service provider, the authorised officer may agree in writing to extend the 28-day period for written submissions by the service provider on the draft report. Having considered any written submissions made by the service provider within the period allowed for, the authorised officer may make such revisions as he or she considers appropriate to the draft report and prepare a final report investigation report. As soon as practicable thereafter, the authorised officer will submit a copy of the final investigation report and any submissions received from the service provider to the Director and will also send a copy of the final investigation report to the service provider.

#### **44. Action by Director on receipt of investigation report**

*Section 44* sets out the actions that shall be taken by the Director on receipt of, and having considered, an investigation report and any related submissions. The Director shall either direct an authorised officer to conduct a further directed investigation, refer the investigation report to the chief adjudication officer for the purposes of conducting an adjudication, enter into an agreement with a service provider, or take no further action. The Director will notify the service provider and, as appropriate, the authorised officer or the chief adjudication officer, in writing of the action that they have decided to take under this section.

## CHAPTER 5

### *Decision as to contravention and on imposition of financial penalty: relevant obligations and e-Evidence Regulation obligations*

#### **45. Definitions (Chapter 5, Part 5)**

*Section 45* provides for the definition of terms used in Chapter 5 of Part 5 of the Bill. It defines “relevant contravention” as a contravention of a relevant obligation or an e-Evidence Regulation obligation.

#### **46. Adjudication by adjudication officers or panel**

*Section 46* provides that, where in relation to an alleged contravention of a relevant obligation, an investigation report is referred by the Director under section 44(1)(b), or an alleged contravention of an e-Evidence Regulation obligation is referred by the Director to the chief adjudication officer for adjudication, the chief adjudication officer shall assign an adjudication officer to conduct an adjudication in relation to the alleged contravention of the relevant obligation or the e-Evidence obligation, as the case may be.

#### **47. Imposition of financial penalty and criminal proceedings**

*Section 47* provides that where a financial penalty is imposed on a service provider in respect of a relevant contravention and that contravention is an offence, the service provider will not be liable to be prosecuted or punished for that offence.

#### **48. Action by adjudication officer after assignment to conduct adjudication**

*Section 48* sets out the actions an adjudication officer shall take for the purposes of assisting him or her in the making of a decision under section 49 as to whether a service provider has committed a relevant contravention. The adjudication officer shall send the service provider a copy of section 48 of the Bill and a notice in writing stating that the service provider may make a submission in writing or request an oral hearing. Any such submission by a service provider must be made within the period specified in the notice or within a further period, of not more than fifteen days, as the adjudication officer may agree with the service provider. The service provider may also request an oral hearing.

To resolve an issue of fact or to otherwise assist in making a decision under section 49, the adjudication officer may take a number of additional actions. These include requesting that the Director, or the service provider, or both, provide information or documentation within a specified time, requesting a person, other than the Director or the service provider, provide specified information or documents within a specified time, or, at the request of a service provider or at the adjudication officer's own volition, conduct an oral hearing.

Where the adjudication officer requests that a person, other than the Director or the service provider, provides specified information or documents to enable the adjudication officer to make a decision as to the contravention of an obligation, and that alleged contravention relates to a relevant obligation, the adjudication officer may send that person a copy of an investigation report if the adjudication officer considers that it is necessary to enable that person to comply with the adjudication officer's request. Where such a request is made under this section to a person other than the Director or the service provider, the adjudication officer will give to the Director and the service provider a copy of that request. Where, on the foot of such a request, the adjudication officer receives information or documentation, or both, from a person other than the Director or the service provider, the adjudication officer will send the Director and the service provider a copy of the information or documentation, or both, or if for reasons of commercial confidentiality such information or documentation cannot be sent in full, a summary of same. In such an instance, the adjudication officer will also send a notice to the Director and the service provider stating that they can make a written submission to the adjudication officer in relation to such information or documentation within a specified period. Where a person, other than the Director or the service provider, receives a copy of an investigation

report under this section, that person shall not disclose the existence or content of the investigation report to any other person without the prior consent of the adjudication officer. Such an unauthorised disclosure of an investigation report is an offence under the Bill.

#### **49. Decision as to contravention and imposition of financial penalty**

*Section 49* provides that an adjudication officer shall make a decision on the balance of probabilities as to whether a service provider has committed or is committing a relevant contravention.

Where an adjudication officer decides that a service provider has not committed or is not committing a relevant contravention, he or she will send a copy of that decision to the Director, and the Director will notify the service provider of that decision.

Where an adjudication officer decides that a service provider has committed or is committing a relevant contravention (a “decision as to contravention”) and is not imposing a financial penalty, they will inform the Director by notice in writing of that decision. The Director will send a copy of the notice to the service provider and, where appropriate, require the service provider to comply with the relevant obligation or e-Evidence obligation to which the decision as to contravention relates. The Director will also inform the service provider that they can appeal the decision in accordance with section 53 and inform the service provider that if they do not appeal the Director will make an application for confirmation of the decision as to contravention in accordance with section 54. Where no appeal is made, the Director shall apply to the Circuit Court under section 54 for confirmation of the decision as to contravention.

Where an adjudication officer decides that a service provider has committed or is committing a relevant contravention (a “decision as to contravention”) and is imposing a financial penalty, the adjudication officer shall by notice in writing inform the Director and the service provider of the decision as to contravention and state the adjudication officer’s intention to impose a financial penalty and the amount of the financial penalty. The notice to the Director will inform the Director that he or she may make submissions in writing to the adjudication officer in relation to the amount of the financial penalty. The notice to the service provider will inform the service provider that they may make submissions in writing to the adjudication officer in relation to the amount of the financial penalty and any submissions by the Director on same.

Where an adjudication officer makes a decision as to contravention, he or she may, in accordance with section 50, decide to impose a financial penalty taking into account related submissions, if any, by the Director and the service provider concerned, various matters detailed in this section, and, in the case of a decision as to contravention in respect of an e-Evidence Regulation, in accordance with that Regulation.

A decision as to contravention and a financial penalty shall take effect in accordance with section 52. Where a court remits a financial penalty under section 53 or 54, an adjudication officer may decide to impose a different financial penalty or no financial penalty. Where a court remits both a decision as to contravention and a financial penalty under section 53 or 54, the adjudication officer may decide to set aside the decision as to contravention and the financial penalty, confirm the decision and either confirm the financial penalty or impose a different or no financial penalty.

## **50. Limitations on amount of financial penalty imposed for relevant contravention**

*Section 50* sets out that the maximum financial penalty that can be imposed on a service provider can be no greater than 2% of the total world annual turnover of the service provider in the financial year preceding the date of the decision as to contravention. This section also sets out the matters an adjudication officer shall have regard to in determining the amount of financial penalty to be imposed on a service provider.

## **51. Notice of financial penalty**

*Section 51* provides that, as soon as practicable after making a decision to impose a financial penalty in accordance with section 49, an adjudication officer shall send the Director a notice of the imposition of the financial penalty and the amount of the financial penalty being imposed. The Director shall, within 7 days of receipt of same, send a copy of the notice to the service provider concerned and notify them in writing of the amount of the financial penalty imposed, that the service provider is required to comply with the relevant obligation or e-Evidence obligation to which the decision as to contravention and financial penalty relate, that they are entitled to appeal the decision as to contravention or the financial penalty, or both, in accordance with section 53, and that if they do not appeal the Director shall make an application under section 54 in summary manner for confirmation of the decision as to contravention and the financial penalty. Where no appeal is made by the service provider, the Director shall apply to the Circuit under section 54 for confirmation of the decision as to contravention and the financial penalty.

## **52. Taking effect of decision as to contravention and of financial penalty**

*Section 52* provides that a decision as to contravention takes effect when the decision is upheld on appeal, when the decision is confirmed by the Circuit Court, or, where the decision having been remitted to the adjudication officer for reconsideration is confirmed by the adjudication officer, on the date specified in the notice in writing informing the service provider of that decision.

The section also provides that, where an appeal is taken under section 53, a financial penalty shall take effect when it is confirmed on appeal or when the court imposes a different financial penalty, or, where the court on appeal remits the financial penalty and this is either confirmed by the adjudication officer or a different financial penalty is imposed by the adjudication officer, on the date specified in the notice in writing informing the service provider of that decision.

The section further provides that, where an application is made to the Circuit Court under section 54, a financial penalty shall take effect when the Court confirms the financial penalty or imposes a different financial penalty or, where the Court remits the financial penalty and this is either confirmed by the adjudication officer or a different financial penalty is imposed by the adjudication officer, on the date specified in the notice in writing informing the service provider of that decision.

The Director may recover any amount due as a financial penalty as simple contract debt in any court of competent jurisdiction. If a service provider fails to comply with a financial penalty the High Court may, on application to it by the Director, compel compliance and grant such injunctive relief, if any, that the Court considers necessary.

### **53. Appeal against decision as to contravention and imposition of financial penalty**

*Section 53* provides that a service provider may appeal against a decision as to contravention to the appropriate court. Where no financial penalty has been imposed, the service provider may appeal against the decision. Where a financial penalty has been imposed, the appeal may be against the imposition of the financial penalty, including the amount of the penalty imposed, or against the decision as to contravention and the imposition of the financial penalty, including the amount of the penalty imposed.

A decision as to contravention or the imposition of a financial penalty may not be set aside or remitted by the appropriate court for error of law or fact unless the appropriate court is satisfied that the adjudication officer concerned committed a serious and significant error in making the decision, or that the adjudication officer concerned committed a series of minor errors which, when taken together, amounted to a serious and significant error.

Where an appeal is withdrawn or abandoned by a service provider, or struck out by the appropriate court, the Director must make an application to the Circuit Court under section 54 to confirm the decision as to contravention and, if applicable, financial penalty.

For the purposes of this section, the appropriate court is the Circuit Court where the amount of any financial penalty imposed does not exceed €75,000 or such other sum as stands specified in law as that court's jurisdiction in tort. In any other instance, the appropriate court is the High Court.

### **54. Circuit Court confirmation of decision as to contravention and financial penalty**

*Section 54* provides that, where a service provider does not appeal against the decision, or where an appeal is withdrawn, abandoned or struck out, the Director shall make an application in a summary manner to the Circuit Court for, where no financial penalty is imposed, confirmation of the decision as to contravention or, where a financial penalty is imposed, the decision as to contravention and the financial penalty. This section also sets out provisions in relation to the potential decisions and actions of the Circuit Court in this context.

### **55. Oral hearing**

*Section 55* sets out procedural and other matters concerning the conduct of an oral hearing by the adjudication officer, where the adjudication officer, pursuant to section 48, considers it necessary or appropriate to conduct an oral hearing. This section provides that the adjudication officer has the same powers, rights and privileges as a judge of the High Court when hearing civil proceedings including with respect to the attendance and examination of witnesses and compelling the production, including discovery, of records.

This section also enables the adjudication officer to conduct oral hearings remotely. The section further provides that it is an offence for a summoned witness not to attend an oral hearing without reasonable excuse, not to produce in a reasonable time any records specified in the notice by the adjudication officer, or, while attending an oral hearing, to refuse to give evidence in the manner lawfully required by the adjudication officer, to refuse to produce any records in the person's possession that the person is lawfully required by the adjudication officer to produce, or to refuse to answer any question that the person is lawfully required by the adjudication officer to answer. A person who,

having been so required to produce a record, intentionally destroys or otherwise disposes of, falsifies or conceals such a record or causes or permits its destruction, disposal, falsification or concealment is also guilty of an offence. A person guilty of an offence under this section is liable on summary conviction to a class A fine or imprisonment for a term not exceeding 12 months, or both, or on conviction on indictment, to a fine or imprisonment for a term not exceeding 5 years, or both.

#### **56. Reference on point of law to High Court**

*Section 56* provides that an adjudication officer may, before making a decision as to contravention or the imposition of a financial penalty under section 49, refer a question of law to the High Court.

#### **57. Orders for costs in proceedings before adjudication officer**

*Section 57* provides that, in proceedings before an adjudication officer, an adjudication officer may award the costs of proceedings against the service provider or Director if the adjudication officer determines that the service provider or Director has engaged in improper, irregular, unfair or unsatisfactory conduct in the conduct of those proceeding or in connection with the directed investigation giving rise to those proceedings.

#### **58. Regulations in relation to proceedings before adjudication officer**

*Section 58* provides that the Minister may make Regulations setting out requirements in relation to the conduct of proceedings before an adjudication officer.

#### **59. Treatment of amounts paid in respect of financial penalties**

*Section 59* provides that a payment made by a service provider to the Director in respect of a financial penalty which has taken effect in accordance with section 52, shall be paid into, or disposed of for the benefit of, the Exchequer, in such manner as the Minister for Finance may direct.

## **CHAPTER 6**

### ***Provisions applicable to adjudication officers***

#### **60. Ineligibility to become and disqualification to act as adjudication officer**

*Section 60* sets out the circumstances in which a person is not eligible for appointment as an adjudication officer or is disqualified from holding office as an adjudication officer.

#### **61. Membership of either House of Oireachtas, European Parliament or local authority: adjudication officer**

*Section 61* is a standard provision, which provides that a person cannot act or hold office as an adjudication officer and simultaneously be a member of the Oireachtas, the European Parliament, or a local authority.

#### **62. Nomination of adjudication officers**

*Section 62* provides for the nomination by the Director of suitable persons for appointment as an adjudication officer.

#### **63. Appointment of adjudication officers**

*Section 63* provides that the Minister shall appoint adjudication officers from among the persons nominated by the Director under section 62. This section also provides that the Minister shall appoint one adjudication officer to be the chief adjudication officer.

#### **64. Independence of adjudication officer**

*Section 64* provides that an adjudication officer shall be independent in the performance of his or her functions.

#### **65. Regulations (Chapter 6)**

*Section 65* provides that the Minister shall make Regulations providing for the appointment of adjudication officers and related matters.

#### **66. Assistance to adjudication officers**

*Section 66* provides that the Director may require a member of staff of the Director to assist adjudication officers in the performance of their functions. The Director may also enter into a contract or arrangement with a person or appoint a consultant or adviser under section 15 for the purpose of having the person, consultant or adviser assist adjudication officers in the performance of their functions.

### **CHAPTER 7**

#### ***Provisions related to Offences: General***

#### **67. Summary proceedings**

*Section 67* provides that summary proceedings for an offence under the Bill may be brought and prosecuted by the Director.

#### **68. Time limit for instituting summary proceedings**

*Section 68* provides that summary proceedings for an offence under the Bill may be instituted at any time within 2 years from the date on which the offence was alleged to have been committed.

#### **69. Liability for offences by body corporate**

*Section 69* provides for liability for offences by a body corporate. It also provides that an individual working for the body corporate can be held liable if the offence was committed by the body corporate with their consent, connivance or due to their negligence, including in situations where a body corporate is managed by its members

#### **70. Costs**

*Section 70* provides that where a person is convicted of an offence under the Bill the Court will, unless satisfied there are special and substantial reasons not to do so, order the person to pay the Director the costs and expenses incurred by the Director in the investigation, detection and prosecution of the offence.

### **SCHEDULE**

#### **PROVISIONS APPLICABLE TO DIRECTOR OF CRIMINAL JUSTICE INTERNATIONAL COOPERATION**

The *Schedule* details, pursuant to section 8, the provisions applicable to the Director, providing that the Director will be a corporation sole with perpetual succession and official seal and power to sue and be sued and to acquire, hold and dispose of land, etc.

#### **Financial implications**

The Bill provides for the establishment of the Office of the Director of Criminal Justice International Cooperation to fulfil Ireland's obligations under the EU e-Evidence Regulation and Directive. A budget of approximately €703,000 has been allocated for pay costs in 2026.

Additional expenditure, from the total allocation of €2.3 million for 2026, will arise in respect of operational delivery required to set up the office. €3 million capital expenditure has also been allocated for the

building of an IT system necessary to connect to the EU decentralised IT system, which is a requirement under the e-Evidence Regulation. All future expenditure will be allocated through the annual Estimates process.

*An Roinn Dlí agus Cirt, Gnóthaí Baile agus Imirce  
Meitheamh, 2026.*

