An Bille um an Intleacht Shaorga a Rialáil, 2026
Regulation of Artificial Intelligence Bill 2026

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Explanatory Memorandum

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EXPLANATORY MEMORANDUM

Purpose of the Bill

The primary purpose of this Bill is to give domestic legal effect to Regulation (EU) 2024/1689 of the European Parliament and of the Council of 13 June 2024 (the ‘AI Act’ or ‘Artificial Intelligence Regulation’).

The Bill provides for the implementation and enforcement of the AI Act at national level in domestic legislation, including:

- the establishment of the AI Office of Ireland as an independent statutory entity;
- empowerment of designated competent authorities with Market Surveillance Regulation powers pursuant to the AI Act;
- provisions for cooperation and sharing of information across the national competent authorities and
- the laying down of rules for penalties and other enforcement measures for non-compliance.

Provisions of the Bill

Part 1 – Preliminary and General

Section 1 – Short title and commencement

Section 1 provides the official title of the Act as the Regulation of Artificial Intelligence Act 2026. Allows the Minister to commence the Act on selected dates, including different dates for different provisions or purposes.

Section 2 – Interpretation

Section 2 defines key legal and technical terms used throughout the Act, including references to EU legislation, AI systems, and enforcement concepts. Establishes rules for interpreting terms consistently with the AI Act and sets out how cross-references (Articles, Annexes) operate.

Section 3 – Regulations

Section 3 empowers the Minister to make regulations necessary to give effect to the Act, including prescribing matters and making supplementary provisions. It requires regulations to be laid before the Oireachtas, which may annul them within a specified period.

Section 4 – Service of documents

Section 4 sets out the legally recognised methods for serving notices and documents, including delivery, post and electronic means. Defines deemed addresses for companies and organisations and conditions for valid electronic service.

Section 5 – Expenses

Section 5 provides that expenses incurred by the Minister in administering the Act are to be paid from public funds, and that such expenditure is subject to approval by the Minister for Public Expenditure Infrastructure, Public Service Reform and Digitalisation.

Part 2 – Oifig IS na hÉireann

Chapter 1 – Establishment of Oifig IS na hÉireann

Section 6 – Definitions (Part 2)

Section 6 provides the definitions of key concepts such as the "Board", "Chief Executive Officer", "Committees of the Board" and "establishment day".

Section 7 – Establishment day

Section 7 empowers the Minister to appoint, by order, the formal establishment day of Oifig IS na hÉireann. This mechanism allows flexibility in commencing the Office's operations and ensures that administrative, staffing and preparatory arrangements can be completed before the Office assumes its statutory functions.

Section 8 – Establishment of Office

Section 8 formally establishes the Office as a statutory body corporate with perpetual succession, an official seal, and the legal capacity to sue and be sued. It also provides for the Office's ability to acquire, hold and dispose of property and to enter into contracts, thereby equipping it with the full legal powers necessary to function as a public authority.

Section 9 – Functions of Office

Section 9 defines the Office's core strategic role within the national AI governance framework, including coordination of activities of market surveillance authorities, facilitation of cooperation between competent authorities, promotion of AI literacy and innovation, and provision of advice to the Minister. It also requires the Office to act independently and to have regard to coherence, effectiveness and Government policy priorities when performing its functions.

Section 10 – Conferral of additional functions

Section 10 allows the Minister to expand the Office's remit by conferring additional functions through secondary legislation, following consultation with relevant Ministers. It ensures that the Office can adapt to evolving regulatory demands and technological developments, while also allowing for incidental and supplementary provisions to support the exercise of those functions.

Section 11 – Power of Minister to give directions to Office

Section 11 provides that the Minister may issue written directions to the Office requiring it to comply with relevant Government policies on AI in performing its functions. It requires that any such direction be laid before each House of the Oireachtas. The Office is legally obliged to comply with these directions. Certain functions listed in section 9(1)(a), (b), and (e) are excluded from the scope of such directions. The Minister is also prohibited from issuing directions relating to the provisions of Part 6.

Chapter 2 – Board of Office

Section 12 – Establishment and membership of Board

Section 12 establishes the Board of the Office and defines its composition, including a chairperson and six ordinary members appointed by the Minister. The Board is responsible for oversight and governance, and the section includes provisions aimed at ensuring balanced representation and continuity during the initial establishment phase.

Section 13 – Recommendations for appointment of members of Board

Section 13 sets out the appointment process by requiring the Public Appointments Service to identify and recommend suitable candidates for Board membership.

Section 14 – Terms of appointment and conditions of office of members of Board

Section 14 regulates the tenure of Board members, including limits on term length, eligibility for reappointment and overall service caps. It seeks to balance institutional continuity with renewal, while also allowing the Minister, with the appropriate approvals, to determine terms and conditions of office.

Section 15 – Resignation of members of Board

Section 15 provides that a member of the Board may resign at any time by written notice to the Minister. It also allows the chairperson to resign from the office of chairperson, whether or not he or she also resigns from the Board, and states when such resignation takes effect.

Section 16 – Casual vacancies in membership of Board

Section 16 addresses situations where a Board member leaves office before their term expires by providing for the filling of vacancies. Replacement members may serve the remainder of the predecessor's term or another specified period, subject to overall term limits, ensuring that the Board can continue to function effectively.

Section 17 – Membership of either House of Oireachtas, European Parliament or local authority (Board or committee of Board)

Section 17 provides that a member of the Board automatically ceases to hold office if nominated to Seanad Éireann, elected to either House of the Oireachtas, elected or deemed elected to the European Parliament, or elected or co-opted to a local authority. It also disqualifies such persons from being appointed to the Board or to a committee of the Board while they hold such positions.

Section 18 – Ineligibility to become and disqualification to act as member of Board

Section 18 sets out circumstances in which a person may not be appointed to the Board, or must cease to be a member, including where the person is a staff member of the Office, has certain criminal convictions, is subject to company law restrictions or disqualifications, has entered into arrangements with creditors, or is bankrupt.

Section 19 – Removal of member of Board

Section 19 empowers the Minister to remove a Board member in specified circumstances, including failure to perform functions, incapacity, stated misbehaviour, serious conflict of interest, or where removal is necessary for effective governance. It also provides procedural safeguards, including notice, an opportunity to make representations, and consideration of the views of the Board before a final decision is made.

Section 20 – Meetings of Board

Section 20 governs how the Board is to conduct its meetings, sets the minimum frequency of meetings, the fixing of the first meeting, quorum requirements, voting arrangements and the role of the chairperson. It also permits meetings by electronic means, allows the Board to act despite vacancies, and enables it to regulate its own procedures subject to the Act.

Section 21 – Committees of Board

Section 21 allows the Board to establish committees to assist and advise it in relation to the Office's functions and to delegate certain Board functions to such committees where appropriate. It also provides for the appointment, chairing, terms of reference, procedure, removal of committee members, confirmation of committee acts, and dissolution of committees.

Section 22 – Remuneration and expenses of members of Board and committees of Board

Section 22 enables the payment of remuneration and expenses to Board members and to certain committee members, subject to Ministerial determination and consent. The Section also clarifies that Board members, the Chief Executive Officer and staff of the Office are not entitled to additional remuneration for serving on committees.

Section 23 – Disclosure of interests by member of Board or of committee of Board

Section 23 provides that Board and committee members must disclose material interests in matters under consideration and prohibits their participation in related deliberations, decisions or recommendations. It also provides for the recording of disclosures, the treatment of decisions where disclosure has not occurred, and possible consequences for contravention.

Chapter 3 – Chief Executive Officer

Section 24 – Chief Executive Officer

Section 24 provides for the appointment of the Chief Executive Officer (CEO), including recruitment in accordance with public service legislation and determination of tenure and conditions. It establishes the CEO as the principal executive responsible for the day-to-day administration of the Office.

Section 25 – Functions of Chief Executive Officer

Section 25 sets out the functions of the Chief Executive Officer who is responsible for the overall administration, management, and control of the Office. The CEO must act in accordance with policies set by the Board and are accountable to the Board for effective performance. The CEO must provide the Board with information it requires and perform any additional functions assigned by it. The CEO may also make proposals to, and seek advice from, the Board on matters relating to the Office's functions.

Section 26 – Delegation of functions of Chief Executive Officer

Section 26 enables the CEO to delegate functions to staff members with the Board's consent, thereby facilitating efficient administration. At the same time, it preserves accountability by requiring the CEO to remain responsible for all delegated functions.

Section 27 – Resignation of Chief Executive Officer

Section 27 provides that the Chief Executive Officer may resign by giving written notice to both the Board and the Minister. The resignation takes effect on the date the Board receives the notice.

Section 28 – Removal of Chief Executive Officer

Section 28 provides that the Board may remove the Chief Executive Officer where they are incapable, have engaged in misbehaviour, or where removal is necessary for the effective functioning of the Office. The CEO must be given written notice of the proposed removal, including reasons and the opportunity to make representations to the Minister within a specified period. The Board must consider any representations, the Minister's views, and other relevant matters before a decision is made. The Minister ultimately decides whether to remove the CEO and must notify them in writing of the decision and reasons. Where removal occurs, the Minister must also lay a statement of reasons before each House of the Oireachtas.

Section 29 – Ineligibility to become and disqualification to hold office of Chief Executive Officer

Section 29 specifies circumstances in which a person is disqualified from holding or continuing in the office of CEO, including insolvency and criminal convictions.

Section 30 – Acting Chief Executive Officer

Section 30 allows for the temporary appointment of an acting CEO during periods of absence, suspension or vacancy. It ensures continuity in leadership and the uninterrupted performance of the Office's functions.

Section 31 – Membership of either House of Oireachtas, European Parliament or local authority (Chief Executive Officer or staff)

Section 31 mirrors the governance safeguards applicable to Board members by requiring the CEO to vacate office if they assume certain political roles.

Section 32 – Accountability of Chief Executive Officer to Public Accounts Committee

Section 32 provides that the CEO must account to the Public Accounts Committee for matters relating to financial management, efficiency and audit findings. It reinforces parliamentary oversight of public expenditure and organisational performance.

Section 33 – Accountability of Chief Executive Officer to other Oireachtas Committees

Section 33 provides that the CEO must also appear before other Oireachtas committees to explain the general administration of the Office. It includes safeguards in relation to matters before courts and provides mechanisms for resolving disputes through the High Court.

Chapter 4 – Staff of Office, consultants and advisers

Section 34 – Staff of Office

Section 34 provides for the recruitment, appointment and management of staff of the Office, subject to Ministerial approval and public service rules. It also enables secondment arrangements and ensures that staff operate under the direction of the CEO.

Section 35 – Engagement of consultants and advisers

Section 35 allows the Office to engage consultants and advisers where specialised expertise is required. It provides flexibility to support technical, legal or strategic functions and ensures fees are regulated in line with public expenditure guidelines.

Section 36 – Prohibition on unauthorised disclosure of confidential information

Section 36 establishes a statutory duty of confidentiality applicable to Board members, staff and other persons engaged by the Office. It prohibits unauthorised disclosure of sensitive information, while providing for limited exceptions and creating a criminal offence for breaches.

Chapter 5 – Accountability and funding of Office

Section 37 – Advances to Office

Section 37 provides that the Minister will give funding to the Office from monies voted by the Oireachtas. It ensures that the Office is financially supported to carry out its statutory functions.

Section 38 – Strategy statement

Section 38 provides that the Office must prepare and periodically update a multi-annual strategy statement outlining its objectives, priorities and use of resources.

Section 39 – Accounts of Office

Section 39 provides that the Office must maintain proper financial records, submit accounts for audit by the Comptroller and Auditor General and report to the Oireachtas. It establishes a robust framework for financial accountability.

Section 40 – Annual report

Section 40 provides that the Office must prepare and submit an annual report on its activities and performance. The report must be laid before the Oireachtas and published.

Part 3 – Single Point of Contact, AI Register and Sandboxes, Real World Testing and Data Protection

Chapter 1 – Interpretation

Section 41 – Interpretation (Part 3)

Section 41 provides key definitions for the purposes of Part 3 including "sandbox". It is defined as the regulatory sandbox established in accordance with Article 57 of the Artificial Intelligence Regulation under section 46.

Chapter 2 – Single point of contact and AI register

Section 42 – Single point of contact

Section 42 designates the Office as the national single point of contact for the purposes of Article 70(2) of the Artificial Intelligence Regulation, ensuring a centralised interface for coordination with the European Commission and other Member States. It also revokes a prior designation provision to streamline responsibilities.

Section 43 – AI register

Section 43 provides that the Office must establish and maintain a national register capturing specified AI-related incidents and systems, including prohibited practices and serious incidents involving high-risk AI systems. It also imposes obligations to keep the register accurate, secure, regularly updated and subject to review.

Section 44 – Administrative co-operation with certain bodies not established in the State

Section 44 provides the Office may cooperate and enter into agreements with equivalent foreign authorities, particularly those designated under Article 70, to support effective regulatory coordination. It also allows for publication of such agreements, subject to consent and appropriate redaction.

Section 45 – Co-operation forum

Section 45 provides that the Office may establish a cooperation forum to facilitate coordination, information exchange and collaboration among national authorities responsible for enforcing the Artificial Intelligence Regulation.

Chapter 3 – Sandboxes

Section 46 – AI regulatory sandbox

Section 46 provides for the establishment of an AI regulatory sandbox in accordance with Article 57 of Artificial Intelligence Regulation, enabling a controlled environment that fosters innovation and facilitates the development lifecycle of innovative AI systems. It also empowers the Minister to make regulations governing the sandbox, including participation criteria, supervision, cooperation and operational procedures.

Section 47 – Personal data for sandbox

Section 47 provides that personal data lawfully collected for other purposes may be processed within a sandbox environment for development, training and testing of AI systems in accordance with Article 59. It also requires involvement of the Data Protection Commission where data protection supervision is relevant.

Chapter 4 – Real World Testing

Section 48 – Testing of high-risk AI systems in real world conditions

Section 48 provides that the provider or prospective provider of high-risk AI systems may apply to the relevant market surveillance authority for the real-world testing in accordance with Article 60 of the Artificial Intelligence Regulation.

Section 49 – Suspension, termination or modification of testing in real world conditions

Section 49 provides the relevant market surveillance authority with the power to suspend, terminate or modify any aspect of real-world testing in accordance with Article 76 (3). The relevant market surveillance authority must notify the proposed changes to the provider or prospective provider in writing.

Section 50 – Review of refusal or decision concerning testing in real world conditions

Section 50 establishes an appeals mechanism by the applicants in relation to the relevant market surveillance authorities' decisions regarding refusal, suspension, termination or modification.

Chapter 5 – Data protection

Section 51 – Processing of personal data and special categories of personal data (Office)

Section 51 provides that the Office may process personal data, including sensitive data, where necessary and proportionate to fulfil its functions under the Act and the Artificial Intelligence Regulation. It also designates the Office as data controller and requires that personal data be retained only as long as necessary.

Section 52 – Regulations concerning data protection for Office

Section 52 provides that the Minister may make detailed regulations governing the processing of personal data, including specifying types of data, permitted processing activities, safeguards, retention periods and disclosure conditions. It is intended to ensure compliance with fundamental rights and data protection standards.

Part 4 – Relevant Market Surveillance Authorities and Relevant Competent Authorities

Chapter 1 – Interpretation

Section 53 – Definition (Part 4)

Section 53 establishes the key definitions applicable to Part 4, particularly identifying Member State market surveillance authorities and relevant fundamental rights public bodies. It expands the regulatory framework to include authorities responsible for protecting fundamental rights, ensuring their integration into the supervision of high-risk AI systems.

Chapter 2 – General obligations of relevant market surveillance authorities

Section 54 – Obligation of relevant market surveillance authority and others

Section 54 provides that market surveillance authorities and associated persons must comply with Article 78 of the AI Act. It reinforces this obligation by creating a criminal offence for non-compliance, ensuring that supervisory bodies themselves are held to high standards of accountability.

Section 55 – Derogation from conformity assessment procedure

Section 55 provides for authorities to grant derogations from standard conformity assessment procedures under Article 46 in exceptional cases. It provides safeguards such as notification, opportunity for representations, and obligations to inform both the Office, EU institutions and other Member States, ensuring transparency and oversight.

Section 56 – Representations (derogation from conformity assessment)

Section 56 provides that an applicant may, within 14 days of being notified of a proposed refusal of a derogation, make representations to the market surveillance authority. The authority must consider any such representations before making its decision. It must then notify the applicant in writing of its final decision.

Section 57 – Reporting of serious incidents

Section 57 provides that a market surveillance authority must notify relevant public bodies of serious incident notifications in accordance with Article 73(7). The authority must also take appropriate measures under the Market Surveillance Regulation in response to such incidents. For high-risk AI systems involving medical devices or safety components, the Health Products Regulatory Authority must be specifically notified.

Section 58 – Market surveillance authorities seeking access

Section 58 provides that market surveillance authorities may require access to documentation, data, and source code of high-risk AI systems. Providers are obliged to grant such access when requested in accordance with the applicable EU provisions. This includes training, validation, and testing data. Failure to provide access when requested constitutes an offence. Such an offence may result in a fine, imprisonment, or both on summary conviction.

Section 59 – Request by relevant fundamental rights body to organise testing of a high-risk system

Section 59 provides that a fundamental rights public body must notify the relevant market surveillance authority of any request made under Article 77 and, where documentation is insufficient, submit a reasoned request outlining possible infringements of EU fundamental rights obligations. The request must be in the prescribed form and include the grounds for concern. The authority must consider the request, inform the body of proposed actions, and arrange testing where required. The Minister may prescribe procedures governing how such requests are handled and responded to.

Section 60 – Reports provided to Office and Competition and Consumer Protection Commission by relevant market surveillance authority

Section 60 provides that market surveillance authorities must provide key reports and notifications to the Office. It supports central oversight and coordination across the regulatory system and ensures consistency with EU reporting obligations.

Section 61 – Complaints concerning infringement of Artificial Intelligence Regulation

Section 61 provides that a person may make a complaint to a market surveillance authority or the Office alleging a breach of the Artificial Intelligence Regulation. The Office or authority must carry out an initial assessment and may transmit, dismiss, or otherwise act on the complaint, including referring it to the European AI Office where appropriate. Frivolous, vexatious, or trivial complaints may be dismissed, or no further action may be taken. Complaints may also be transferred to another competent authority where necessary. All complaints must be taken into account in line with market surveillance procedures.

Section 62 – Reporting of infringements and protection of reporting persons

Section 62 applies the Protected Disclosures Act 2014 to the reporting of Artificial Intelligence Regulation infringements. It provides important protections for whistleblowers, encouraging disclosures and strengthening enforcement.

Chapter 3 – Co-operation agreements of relevant market surveillance authorities

Section 63 – Co-operation agreements of relevant market surveillance authorities

Section 63 provides that market surveillance authorities are permitted to enter into formal cooperation agreements with each other and specified bodies. It facilitates information sharing, coordinated enforcement and allocation of responsibilities, while requiring transparency through notification to Ministers and publication of agreements.

Section 64 – Prohibition on unauthorised disclosure of confidential information by relevant competent authorities

Section 64 provides for confidentiality for persons working with competent authorities. It prohibits unauthorised disclosure of sensitive information, provides limited lawful exceptions, and creates a Category 1 offence for breaches, ensuring protection of commercially sensitive and regulatory information.

Chapter 4 – Data Protection for relevant competent authorities

Section 65 – Processing of personal data and special categories of personal data (relevant competent authorities)

Section 65 provides that competent authorities may process personal data, including special categories, where necessary and proportionate for their functions. It designates these authorities as data controllers and requires compliance with GDPR principles.

Section 66 – Regulations concerning data protection for relevant competent authorities

Section 66 provides that the relevant Minister may, after consultation with the relevant competent authority, make detailed regulations governing data processing by competent authorities.

Part 5 – Supervision and Enforcement

Section 67 – Definitions (Part 5)

Section 67 provides the definition of investigation for the purpose of Part 5 – Supervision and Enforcement.

Section 68 – Appointment of authorised officers

Section 68 provides that market surveillance authorities may appoint authorised officers to enforce the Act and AI Regulation. It requires officers to carry identification and provides that appointments may be revoked or expire.

Section 69 – Indemnification of authorised officers

Section 69 provides for indemnification of authorised officers acting in good faith and provides that conditions are subject to authority rules and Ministerial consultation.

Section 70 – Powers of authorised officers

Section 70 provides for investigative powers of authorised officers including entry, inspection, seizure, and access to data systems. It includes safeguards such as warrants and creates offences for obstruction or non-compliance.

Section 71 – Contravention notice

Section 71 provides that an authorised officer may issue a contravention notice where they reasonably suspect a breach of the Artificial Intelligence Regulation. The notice must set out the grounds, relevant provisions, and require specified actions, such as remedying the breach, withdrawing, recalling, or destroying the AI product. A person may appeal the notice to the District Court within 14 days, and the notice will only take effect in accordance with the statutory timing rules. The authorised officer may withdraw or amend the notice, including extending compliance timeframes. Failure to comply with a contravention notice without reasonable excuse is an offence, punishable by a fine, imprisonment, or both.

Section 72 – Prohibition notice

Section 72 provides that an authorised officer may issue a prohibition notice where there is a suspected breach of Article 5 or a risk to health, safety, fundamental rights, or public interests. The prohibition notice may require the restriction, withdrawal, recall, destruction, or other control of the relevant AI product. The prohibition notice can take immediate effect and generally remain in force even if appealed, unless the Court suspends them. Non-compliance with a prohibition notice allows authorities to take enforcement action, including seizure or destruction of products. Failure to comply without reasonable excuse is an offence, punishable by a fine, imprisonment, or both.

Section 73 – Seizure and disposal of unsafe relevant AI products

Section 73 provides that an authorised officer may seize and destroy or otherwise dispose of any relevant AI product that appears to present a risk, to health, safety, fundamental rights, or public interests notwithstanding other enforcement notices. The costs of seizure, destruction or disposal may be recovered from the operator or person in control of the product. "Disposal" includes options such as surrender to authorities or return to the operator for recall or withdrawal. The authorised officer must notify the affected person in writing, including reasons and appeal rights. Such measures must be carried out in a manner that minimises risk to the public.

Section 74 – Forfeiture order

Section 74 provides that an authorised officer may apply to the District Court for a forfeiture order where a relevant AI product endangers health or safety. The Court may order forfeiture, seizure, and subsequent destruction or disposal of the product. Alternatively, the Court may direct that the product be released subject to specified conditions. There is a right of appeal to the Circuit Court, with a further appeal on a point of law to the High Court. The Court may also delay the effect of a forfeiture order pending appeal.

Section 75 – Notice for removal of content to eliminate serious risk

Section 75 provides that an authorised officer may issue a notice requiring removal of content or warnings where there is a serious risk and no other effective remedy. This may include removal of online content or restricting access through information society service providers. The recipient of such a notice is required to comply within the specified period. The notice must include details of the right of appeal. Relevant terms are to be interpreted in line with the Market Surveillance Regulation.

Section 76 – Powers of authorised officers to provide necessary assistance to the European Commission for the purpose of Article 74(11)

Section 76 provides that authorised officers may be assigned to assist in joint investigations with the European Commission and other Member States. Such officers may enter premises, with a District Court warrant, using reasonable force where necessary. The warrant is issued based on sworn information and in accordance with Article 74(11). Authorised officers may assist Commission officials in inspections and investigations. Jurisdiction for warrant applications is based on where the relevant person resides or carries on business.

Section 77 – Right of appeal against certain measures

Section 77 provides that a person may appeal against measures such as seizure or content removal notices. Appeals must be made within 14 working days and must state the grounds relied upon. The relevant authority must be notified of the appeal. The measure or notice remains in force pending determination of the appeal, unless otherwise directed by the High Court. The Court may confirm, vary, or set aside the measure, with jurisdiction depending on the value of the products involved.

Part 6 – Adjudication and Administrative Fines

Chapter 1 – Preliminary and general

Section 78 – Definitions (Part 6)

Section 78 establishes the terminology for Part 6, including concepts such as “adjudication”, “adjudication subject”, and “adjudicator”. The section clarifies the range of applicable market surveillance authorities that may engage in adjudication proceedings.

Chapter 2 – Procedure preliminary to referral for adjudication

Section 79 – Notice of suspected non-compliance

Section 79 establishes the formal initiation of enforcement proceedings by requiring an authorised officer to issue a notice of suspected non-compliance. The provisions detail procedural safeguards, requiring disclosure of the grounds for suspicion and supporting material, while also affording the notified person a clear opportunity to make submissions.

Section 80 – Matters supplemental to a notice of suspected non-compliance

Section 80 allows the authorised officer to adapt the notice where new evidence comes to light or circumstances change. It provides flexibility within the investigative process while maintaining procedural fairness by giving the notified person an opportunity to respond to any additional material. It also includes a safeguard requiring withdrawal of the notice where the suspicion is no longer justified.

Section 81 – Publication of notice

Section 81 enables the publication of notices of suspected non-compliance, thereby promoting transparency and public awareness of enforcement actions. It carefully balances this objective with data protection requirements by explicitly prohibiting the publication of personal data.

Section 82 – Actions by authorised officer following investigation

Section 82 provides for a link between investigation and adjudication. Following consideration of submissions and evaluation of evidence, the authorised officer may determine that a suspected infringement persists and proceed to escalate the matter. This ensures that only cases with a sufficient evidential basis are referred forward.

Section 83 – Referral of matters for adjudication

Section 83 establishes the formal mechanism by which cases are referred for adjudication, including the requirement for approval by the relevant authority and the assignment of an independent adjudicator. It reinforces both institutional oversight and procedural independence.

Section 84 – Information and documentation to be provided when making referral

Section 84 sets out comprehensive disclosure obligations, requiring the authority to provide the adjudicator and the adjudication subject with all relevant materials, including evidence, submissions and investigative findings.

Section 85 – Withdrawal of matter referred to adjudicator

Section 85 preserves flexibility within the enforcement process by allowing a matter to be withdrawn before a determination is made. It prevents unnecessary proceedings where circumstances change or where continuation is no longer justified.

Section 86 – Power of applicable market surveillance authority to share certain documents

Section 86 provides for coordination between authorities by permitting the sharing of relevant documents. It facilitates information flow while allowing for appropriate safeguards such as redactions.

Chapter 3 – Role and powers of adjudicator following referral

Section 87 – Role and powers of adjudicator

Section 87 provides for the adjudicator's functions as an independent decision-maker responsible for resolving disputes in relation to matters of fact and reaching determinations.

Section 88 – Notification by adjudicator following referral

Section 88 provides that the adjudication subject is formally notified of proceedings and given the opportunity to make written submissions and it provides for procedural fairness.

Section 89 – Power of direction

Section 89 grants adjudicators the necessary powers to require the production of evidence and information.

Section 90 – Request for information

Section 90 allows adjudicators to obtain information from third parties where necessary, ensuring that decisions are based on a complete evidential record. It also allows parties to make submissions on such information within a timeframe specified by the adjudicator.

Section 91 – Oral hearing

Section 91 provides for oral hearings where disputes of fact cannot be resolved through written submissions. If an adjudicator, having issued a direction under section 92, believes that there is a factual dispute that cannot be fairly resolved based solely on written material, they are permitted to hold an oral hearing. Any such oral hearing must be conducted in accordance with the rules set out in Schedule 1.

Section 92 – Reference on question of law to High Court

Section 92 allows adjudicators, either on their own initiative or at a party's request, to refer disputed points of law to the High Court. Once such a referral is made, the adjudicator must pause decision-making on the relevant matter, meaning they cannot make findings on it, or proceed in any way that conflicts with the High Court's eventual decision on that legal question.

Section 93 – Rules in relation to adjudication proceedings

Section 93 provides that the Office may establish procedural rules governing adjudication.

Section 94 – Costs and expenses in adjudication proceedings

Section 94 provides that each party bears its own costs, which simplifies proceedings and reduces barriers to participation.

Section 95 – Provision of false or misleading information to adjudicator

Section 95 provides for the creation of a criminal offence for providing false or misleading evidence, where a person commits a category 2 offence if they provide information or evidence to an adjudicator that is materially false or misleading, and they knew, or reasonably should have known, that it was false or misleading.

Chapter 4 – Treatment of evidence and information in relation to adjudication proceedings

Section 96 – Evidence in adjudication proceedings

Section 96 provides for the evidential framework applicable in adjudication proceedings, including admissibility and weight of evidence. It mirrors court-based standards, thereby enhancing the credibility and robustness of the process.

Section 97 – Use of certain information relevant to adjudication proceedings

Section 97 provides for the integrity of adjudication proceedings by restricting the use of information generated in investigations or proceedings until the adjudication is confirmed. It safeguards due process and prevents premature or inappropriate reliance on such material.

Section 98 – Prohibition on unauthorised disclosure of confidential information by adjudicators

Section 98 provides for the safeguard of confidential information by restricting the disclosure of such information by the adjudicator.

Chapter 5 – Finding of adjudicator

Section 99 – Finding of adjudicator in relation to breach

Section 99 provides that an adjudicator must determine, on the balance of probabilities, whether a person has committed the suspected infringement. In making this finding, the adjudicator must take into account all submissions, evidence, and materials provided during the proceedings. Any relevant prior adjudications confirmed by the High Court may also be considered.

Section 100 – Finding of adjudicator in relation to administrative fine

Section 100 provides for the determination of administrative fines where a breach is found, linking findings directly to enforcement consequences.

Section 101 – Notice of finding

Section 101 provides that adjudicators must produce a written, reasoned decision, including details of the infringement and any penalty imposed.

Section 102 – Decision of applicable market surveillance authority in relation to finding

Section 102 provides that the applicable market surveillance authority must, within the prescribed period, either adopt an adjudicator's finding as an adjudication or decline to do so where it is not satisfied a breach has occurred. Where a finding is adopted, the authority must notify the adjudication subject in writing and provide the written record of the finding. The notice must also state that any administrative fine will only take effect if confirmed by the High Court and outline the right of appeal. It must further indicate that, in the absence of an appeal, the authority will apply to the High Court for confirmation of the adjudication. Where the authority declines to adopt the finding, it must notify the adjudication subject and take no further action in relation to the matter.

Section 103 – Publication of finding

Section 103 allows an applicable market surveillance authority to, where it adopts a finding under section 102, to publish the written record of the finding on a website maintained by it or on its behalf, subject to such exclusions or redactions as it considers appropriate.

Section 104 – Offence of disclosing certain material relevant to finding

Section 104 protects the confidentiality of adjudication outcomes by creating offences for unauthorised disclosure before publication.

Chapter 6 – Administrative fines

Section 105 – Amount of administrative fine

Section 105 provides that where an adjudicator determines that an administrative fine is warranted, they must assess the amount in accordance with the limits set out in the Artificial Intelligence Regulation. Different maximum thresholds apply depending on the nature of the infringement, including breaches of Article 5, specified provisions under Article 99, or the provision of misleading information. Specific caps apply to public bodies and certain undertakings, notwithstanding the general limits under EU regulations. In determining the amount, the adjudicator must ensure that the fine is effective, proportionate and dissuasive, having regard to relevant factors and applicable guidelines.

Before fixing the amount, the adjudicator must invite written submissions from the parties concerned and take those submissions into account.

Section 106 – Treatment of amounts paid to applicable market surveillance authority

Section 106 provides that administrative fines are paid to the Exchequer in such manner as the Minister for Finance may direct.

Chapter 7 – Appeals

Section 107 – Appeal against adjudication

Section 107 provides a right of appeal to the High Court, ensuring judicial oversight and safeguarding the rights of the adjudication subject.

Section 108 – Conduct of appeals

Section 108 provides for procedural rules for appeals, including requirements for submissions and evidence, ensuring efficiency and fairness. The section provides that the applicable market surveillance authority that served the notice under section 103 shall be the respondent to an appeal, and the appellant must notify the respondent of the appeal and its grounds at the time of lodging it. The appellant is required to set out all grounds of appeal in law and fact and furnish all supporting documents and evidence to the High Court, with a corresponding obligation on the respondent. The High Court may confirm the adjudication or annul it, in whole or in part, where there is a serious error of law or fact, or a failure to comply with fair procedures, and may remit or vary the decision. Where an administrative fine is upheld or imposed, the High Court may specify a payment date and must determine appeals as expeditiously as possible.

Section 109 – Appeals to Court of Appeal

Section 109 provides that no appeal lies to the Court of Appeal from a High Court decision on an appeal or legal reference under the Act. However, the High Court may grant leave to appeal where the decision involves a point of law of exceptional public importance, and it is in the public interest to do so.

Chapter 8 – Confirmation of adjudication

Section 110 – Application for confirmation of adjudication

Section 110 provides that subject to section 114, where no appeal is made within the prescribed period, the market surveillance authority must apply to the High Court to confirm the adjudication. This application must be made as soon as practicable after the appeal period expires. The authority must submit the adjudication along with all documents and evidence considered by the adjudicator. Within 7 days, the authority must notify the affected person and provide them with copies of all materials filed with the Court.

Section 111 – Confirmation of adjudication

Section 111 provides that the High Court must confirm an adjudication unless it finds a fundamental and manifest error of law, or that the fine imposed is clearly excessive or disproportionate. If there is an error of law, the High Court must send the matter back to an adjudicator for reconsideration, with appropriate directions. If only the fine is excessive, the Court may substitute a lower fine and confirm the adjudication on that basis. Alternatively, where appropriate, the Court may remit the matter for reconsideration, including by a different adjudicator or on a limited issue.

Section 112 – Evidence in confirmation hearing

Section 112 provides that evidence is limited to that before the adjudicator.

Section 113 – *Ex parte* application for confirmation of adjudication

Section 113 provides for *ex parte* confirmation where consent is given.

Section 114 – Adjudication to take effect when confirmed by High Court

Section 114 provides that adjudications only take legal effect upon High Court confirmation, subject to any appeal. Once effective, any administrative fine can be enforced directly as a judgment debt without further court proceedings. If the fine is not complied with, the High Court may compel payment or grant necessary injunctive relief, without requiring an undertaking as to damages.

Section 115 – Publication of adjudication

Section 115 allows publication of confirmed adjudications on a website maintained by or on behalf of the market surveillance authority, subject to such redactions or exclusions as it considers appropriate.

Chapter 9 – Nomination and appointment of adjudicators

Section 116 – Nomination of adjudicators

Section 116 provides a structured nomination process ensuring that suitably qualified individuals are considered for appointment as adjudicator. The Office must nominate individuals it considers to meet the prescribed criteria for appointment as adjudicators. The Minister sets those criteria, taking into account the adjudicators' functions and the need for their independence. The criteria may include requirements relating to professional qualifications or other relevant characteristics.

Section 117 – Appointment and removal of adjudicators

Section 117 governs the formal appointment process by the Minister. The Minister must appoint a nominated person as an adjudicator unless they lack the required qualifications or independence. An adjudicator holds office for a specified term, may resign at any time, and can be removed by the Government for incapacity, misconduct, prolonged non-performance, or serious conflicts of interest. The Section also provides that being appointed as an adjudicator does not make the person a civil servant or an employee of the Office.

Section 118 – Independence of adjudicators

Section 118 provides for the independence of adjudicators who must act independently, and it provides for recusal where necessary.

Section 119 – Terms on which adjudicators are engaged

Section 119 provides for contractual arrangements between the applicable market surveillance authority and the adjudicator, including terms of engagement and performance of functions.

Section 120 – Register of adjudicators

Section 120 provides that the Office must maintain a register of adjudicators.

Part 7 – Penalties and Miscellaneous Provisions

Section 121 – Penalties for offences

Section 121 sets out the criminal offences and associated penalty regime under the Bill.

Section 122 – Defence

Section 122 provides a defence where a person can show they took all reasonable steps to ensure compliance. This reflects a standard due diligence defence in regulatory enforcement.

Section 123 – Liability for offences by body corporate

Section 123 provides for the extension of liability to directors, managers, and officers where offences involve consent, connivance, or neglect, and provides that it applies to members managing a corporate body.

Section 124 – Summary proceedings and costs of prosecution

Section 124 provides that relevant market surveillance authorities may prosecute offences summarily. Courts may order convicted persons to pay investigation and prosecution costs.

Section 125 – Time limit where offence may be prosecuted in summary proceedings

Section 125 provides for an extension to the time limit for summary proceedings to 12 months from the date of the offence, and it overrides the general limit in the Petty Sessions (Ireland) Act 1851.

Section 126 – Relevance of certain statements in criminal proceedings

Section 126 provides that statements compelled during investigations or adjudication are generally inadmissible in criminal proceedings.

Section 127 – Legal privilege

Section 127 provides for protection of privileged legal material from disclosure while allowing temporary handling subject to High Court determination. It provides procedures for resolving privilege claims and safeguarding confidential material. It also sets out the definitions used in this Part.

Part 8 – Application to Central Bank

Section 128 – Definitions

Section 128 defines “Act of 1942” as the Central Bank Act 1942.

Section 129 – Application to Central Bank

Section 129 provides that Parts 5, 6 and 7 do not apply to the Central Bank

Section 130 – Amendment of section 2 of Act of 1942

Section 130 amends section 2(2A) of the Central Bank Act 1942 to add a reference to Regulation (EU) 2024/1689 (the AI Act) to the list of EU measures referenced there.

Section 131 – Amendment of section 33AK of Act of 1942

Section 131 amends section 33AK of the Central Bank Act 1942 by adding the Central Bank’s functions and powers as a market surveillance authority under Regulation (EU) 2024/1689 to the purposes for which information may be used and shared, and updating the definition of “supervisory EU legal acts” to include Regulation (EU) 2024/1689.

Section 132 – Amendment of Schedule 2 to Act of 1942

Section 132 amends Schedule 2, Part 1, of the Central Bank Act 1942 by inserting a new item so that relevant AI Act-related contraventions can be brought within the Central Bank’s administrative sanctions framework.

Section 133 – Administrative financial sanctions that may be imposed by Central Bank

Section 133 provides that, where the Act of 1942 is used in relation to a contravention of this Act or specified articles of the Artificial Intelligence Regulation, the Central Bank may impose administrative fines following an inquiry under section 33AO or 33AR of the Act of 1942, or in accordance with section 33AR or 33AV of that Act. It also states that these fines are additional to, not a substitute for, the sanctions already available under section 33AQ of the Act of 1942. References in the 1942 Act to sanctions under section 33AQ should also be read as including these AI-related fines where relevant. The applicable fines are those under Article 99(3), Article 99(4) (other than point (f)), Article 99(5). The type and level of sanction are to be determined in accordance with Article 99(7).

Part 9 – Amendment of Act of 2014

Section 134 – Amendment of section 2 of Act of 2014

Section 134 amends section 2 of the Competition and Consumer Protection Act 2014 to insert or adjust definitions needed so that AI Act related functions, powers, and enforcement concepts can operate properly within the existing statutory framework of the Competition and Consumer Protection Commission.

Section 135 – Amendment of section 10 of Act of 2014

Section 135 amends section 10 of the Competition and Consumer Protection Act 2014 to expand the statutory functions of the Competition and Consumer Protection Commission so that it can perform responsibilities connected with the enforcement and administration of the AI Act and related provisions under this Bill.

Section 136 – Administrative fines

Section 136 provides for administrative fines linked to AI Act breaches to be imposed through the Competition and Consumer Protection Act 2014 framework, allowing the Competition and Consumer Protection Commission to use its existing adjudicative or enforcement machinery for AI-related contraventions.

Section 137 – Schedule: oral hearings (Act of 2014)

Section 137 provides for amendment to the Schedule to the Competition and Consumer Protection Act 2014 concerning oral hearings so that the hearing procedures under that Act can be used, with any necessary modifications, for AI Act-related administrative enforcement matters, including the determination of breaches and fines.

Part 10 – Miscellaneous Amendments

Section 138 – Amendment of section 10 of Communications Regulation Act 2002

Section 138 provides for an amendment to section 10 of the Communications Regulation Act 2002 to expand the functions of the Commission for Communications Regulation so that it may perform responsibilities connected with the enforcement, supervision, or administration of the AI Act where relevant to its existing regulatory remit.

Section 139 – Amendment of Freedom of Information Act 2014

Section 139 amends the Freedom of Information Act 2014 to address how records held for the purposes of AI Act enforcement, supervision, adjudication, or related regulatory functions are to be treated under the Freedom of Information Act 2014.

Schedules

Schedule 1 – Oral Hearings

Schedule 1 sets out procedures for oral hearings which can be held by adjudicators under section 92. The schedule also provides for offences related to oral hearings.

Schedule 2 – Assignment of Adjudicator

Schedule 2 sets out procedures for the assignment of adjudicators by the Office. Adjudicators will be assigned on a numerical basis based on the register of adjudicators.

Schedule 3 – Register of Adjudicators

Schedule 3 sets out the procedures for assigning adjudicators to the register of adjudicators. Each adjudicator will be assigned a number.

Schedule 4 – Oral Hearings (Act of 2014)

Schedule 4 sets out procedures for oral hearings which can be held by authorised officers of the Competition and Consumer Protection Commission under section 135. The schedule also provides for offences and administrative fines related to oral hearings.

An Roinn Fiontar, Turasóireachta agus Fostaíochta,

Meitheamh, 2026.