Changes to Legislation: as of 11 November 2026, there are changes to this Act which have not been implemented by the Revised Acts editorial team, see highlighted entries **here**. Note that some amendments may not be in force until commenced by a commencement order or other provision.



Number 7 *of* 2007

NATIONAL OIL RESERVES AGENCY ACT 2007

REVISED

Updated to 28 August 2026

This Revised Act is an administrative consolidation of the *National Oil Reserves Agency Act 2007*. It is prepared by the Law Reform Commission in accordance with its function under the *Law Reform Commission Act 1975* (3/1975) to keep the law under review and to undertake revision and consolidation of statute law.

All Acts up to and including the *Development (Strategic Gas Reserve) Act 2026* (36/2026), enacted 23 July 2026, and all statutory instruments up to and including the *National Oil Reserves Agency Act 2007 (Temporary Reduction of Rate of Levy) (No. 3) Order 2026* (S.I. No. 446 of 2026), made 28 August 2026, were considered in the preparation of this revision.

Disclaimer: While every care has been taken in the preparation of this Revised Act, the Law Reform Commission can assume no responsibility for and give no guarantees, undertakings or warranties concerning the accuracy, completeness or up to date nature of the information provided and does not accept any liability whatsoever arising from any errors or omissions. Please notify any errors, omissions and comments by email to revisedacts@lawreform.ie.



Number 7 *of* 2007

NATIONAL OIL RESERVES AGENCY ACT 2007

REVISED

Updated to 28 August 2026

ARRANGEMENT OF SECTIONS

PART 1

PRELIMINARY AND GENERAL

Section

1. Short Title and commencement.
2. Interpretation.
3. Expenses.

PART 2

SHARE TRANSFER

4. Transfer to Minister of share owned by Irish National Petroleum Corporation Limited in National Oil Reserves Agency Limited.
5. Share transfer day.
6. Transfer costs and stamp duty.

PART 3

THE NATIONAL OIL RESERVES AGENCY

7. Continuation of Agency.
8. Object and functions of Agency.
9. Additional functions.
10. Share capital of Agency.
11. Issue of shares.
12. Exercise by Minister of functions exercisable by shareholders.
13. Memorandum and articles of association.
14. Board of directors.
15. Strategy statement.

16. Power to establish subsidiaries.

17. Power to charge and recover fees.

18. Power to engage consultants and advisers.

19. Chief executive (appointment and term of office).

20. Functions of chief executive.

21. Staff of Agency.

22. Superannuation.

23. Membership of either House of Oireachtas, European Parliament or local authority.

24. Unauthorised disclosure of confidential information.

25. Code of conduct.

26. Power to borrow.

27. Temporary borrowing.

28. Annual report.

29. Accounts and audit.

30. Information to Minister on performance of functions.

31. Information to Oireachtas on performance of functions.

31A. Appointment of National Treasury Management Agency to act on behalf of Agency in certain matters.

PART 4

MAINTENANCE OF OIL STOCKS

32. Duty of Agency.

33. Holding contracts.

34. Duties of Minister.

35. Release of oil stocks in cases of particular urgency.

PART 5

LEVY ON RELEVANT DISPOSALS OF PETROLEUM PRODUCTS

36. Definitions for *Part 5*.

37. Liability of oil companies and oil consumers to pay levy.

37A. Payment into Climate Action Fund by direction of Minister.

37B. Climate Action Fund.

38. Exemptions from levy.

39. Volume assessment.

40. Calculation of levy.

41. Levy assessment notice.

42. Interest on unpaid amount of assessment.

43. Recovery of unpaid levy and interest.

43A. Exchange of Information.

44. Regulations relating to levy.

PART 5A

Renewable Transport Fuel Obligation

44A. Definitions for Part 5A.

44B. Conversion factors. *(Repealed)*

44C. Biofuel obligation.

44D. Rate of renewable transport fuel obligation, advanced biofuel and renewable fuels of non-biological origin obligation, crop cap and high ILUC-risk biofuel.

44DA. Prohibition on certification of supply of certain biofuels and biogas.

44E. Renewable transport fuel obligation account.

44F. Management of renewable transport fuel accounts.

44G. Renewable transport fuel obligation certificates.

44GA. Obligation to include minimum percentage volume of renewable transport fuel.

44H. Statement of account.

44I. Compliance with renewable transport fuel obligation.

44J. Discharge of renewable transport fuel obligation or advanced biofuel obligation by payment.

44K. Transfer of renewable transport fuel obligation certificates.

44L. Cancellation of renewable transport fuel obligation certificate where renewable transport fuel exported from the State.

44M. Revocation of renewable transport fuel obligation certificates.

44N. Renewable transport fuel levy.

44O. Volume assessment.

44P. Calculation of renewable transport fuel levy.

44Q. Renewable transport fuel levy assessment notice.

44R. Interest on unpaid amount of assessment.

44S. Recovery of unpaid renewable transport fuel levy and interest.

44T. Regulations relating to renewable transport fuel levy.

44U. Minister's power to make regulations relating to returns.

44V. Formula for determining interest rate.

44W. Keeping of records.

44X. Renewable transport fuel standards.

44Y. Exemption from renewable transport fuel obligation in cases of particular urgency.

PART 6

Enforcement Provisions

45. Definitions for *Part 6*.

46. Authorised officers.

47. Powers of authorised officers.

48. Search warrants.

49. Duty of authorised officers to report certain matters.

50. Offences.

51. Indemnification.

PART 7

AMENDMENTS AND REVOCATION

52. Amendment of section 7 of Act of 2001.

53. Amendment of section 8 of Act of 2001.

54. Amendment of section 9 of Act of 2001.

55. Amendment of Third Schedule to Freedom of Information Act 1997.

56. Revocation.

PART 8

MISCELLANEOUS PROVISIONS

57. Regulations to give effect to acts of European Communities.

58. Regulations and orders.

58A. Regulations and orders- Minister for Transport.

59. Minister's power to make regulations relating to returns.

59A. Claims for repayment where overpayment in respect of levy or biofuel levy.

60. Laying of regulations and orders before Houses of Oireachtas.

61. Power of Minister to apply for compliance order and issue directions.

62. Minister's prior approval required for certain contracts, holding contract obligations, etc.

63. Burden of proof in certain proceedings.

64. Prosecution of offences.

65. Offences by bodies corporate.

66. Penalties.

67. Giving of notices.

68. Oil Emergency Plan.

69. Register.

70. Provision of information by Minister to Minister for Transport.

SCHEDULE 1

Section 32

SCHEDULE 2

Method for calculating the crude oil equivalent of inland consumption

SCHEDULE 3

Method for calculating the level of stocks held

ACTS REFERRED TO

Companies Act 1963	1963, No. 33
Companies Acts	
Ethics in Public Office Act 1995	1995, No. 22
European Parliament Elections Act 1997	1997, No. 2
Finance Act 1999	1999, No. 2
Freedom of Information Act 1997	1997, No. 13
Irish National Petroleum Corporation Limited Act 2001	2001, No. 26
Local Government Act 2001	2001, No. 37
Petty Sessions (Ireland) Act 1851	14 & 15 Vic., c. 50

Number 7 *of* 2007

NATIONAL OIL RESERVES AGENCY ACT 2007

REVISED

Updated to 28 August 2026

AN ACT TO PROVIDE FOR THE TRANSFER OF THE SHARE HELD BY THE IRISH NATIONAL PETROLEUM CORPORATION LIMITED IN THE NATIONAL OIL RESERVES AGENCY LIMITED TO THE MINISTER FOR COMMUNICATIONS, MARINE AND NATURAL RESOURCES; TO CONTINUE IN EXISTENCE THE NATIONAL OIL RESERVES AGENCY LIMITED AS AN GHNÍOMHAIREACHT CHÚLTACA OLA NÁISIÚNTA OR THE NATIONAL OIL RESERVES AGENCY; TO DEFINE ITS FUNCTIONS, INCLUDING THOSE RELATING TO OIL STOCK-HOLDING OBLIGATIONS; TO IMPOSE A LEVY ON RELEVANT DISPOSALS OF PETROLEUM PRODUCTS; TO AMEND THE IRISH NATIONAL PETROLEUM CORPORATION LIMITED ACT 2001; AND TO PROVIDE FOR RELATED MATTERS.

[13*th March*, 2007]

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

PART 1

Preliminary and General

Short Title and commencement.

1.— (1) This Act may be cited as the National Oil Reserves Agency Act 2007.

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

Interpretation.

2.— In this Act—

"Act of 1963" means the Companies Act 1963;

"Act of 2001" means the Irish National Petroleum Corporation Limited Act 2001;

F1**[**"additives" means non-hydrocarbon compounds added to or blended with a product to modify the properties of that product;**]**

"Agency" means the body corporate formed and registered under the Companies Acts and continued in existence under *section 7* as An Ghníomhaireacht Chúltaca Ola Náisiúnta or, in the English language, as the National Oil Reserves Agency;

"authorised officer" has the meaning assigned by *section 46* ;

F1**[**"available and physically accessible" in respect of stocks means that, in a case of particular urgency, the stocks are at the disposal of the Minister and arrangements

are in place to release the stocks to the market within time frames and under conditions conducive to alleviating an oil supply disruption;**]**

"bilateral agreement" means any agreement between the Government and the government of another state relating to the holding of oil stocks;

F2**[**"biofuel" has the meaning assigned by *section 44A*;

"biofuel levy" means the biofuel levy imposed under *Part 5A*;

"biofuel obligation" has the same meaning as in *Part 5A*;

"biofuel producer" has the meaning assigned by *section 44A*;

"biofuel supplier" has the meaning assigned by *section 44A*;**]**

F1**[**"central stockholding entity" means the body or service upon which powers may be conferred to act to acquire, maintain or sell oil stocks, including emergency stocks and specific stocks;**]**

"chief executive" means the chief executive of the Agency;

F3**[**"Climate Action Fund" means the fund established under *section 37B*;**]**

F4**[**"Council Directive" means Council Directive 2009/119/EC of 14 September 2009[1], as amended by Commission Implementing Directive (EU) 2018/1581 of 19 October 2018[2];**]**

"designated subsidiary" means a subsidiary in respect of which an order is in operation under *section 16(12)*;

F1**[**"effective international decision to release stocks" means any decision taken by the Governing Board of the International Energy Agency to make crude oil or petroleum products available to the market by a release of the stocks of its members or by additional measures which is in force for the time being;

"emergency stocks" means the oil stocks that each Member State is required to maintain pursuant to Article 3 of the Council Directive;**]**

F5**[**"EU emergency stocks", "Irish emergency stocks" and "oil stocks agreement" have the meanings assigned to them, respectively in the European Union (Oil Reserves) Regulations 2012 (S.I. No. 541 of 2012);**]**

"holding contract" has the meaning assigned by *section 33*;

"IEP Agreement" means the Agreement on an International Energy Program signed at Paris on 18 November 1974;

F1**[**"inland consumption" means the total quantities, calculated in accordance with *Schedule 2*, delivered within the State for both energy and non-energy use; this aggregate includes deliveries to the transformation sector and deliveries to industry, transport, households and other sectors for final consumption; it also includes the own consumption of the energy sector (other than refinery fuel);**]**

"intermediate product" means any substance other than crude oil that is capable of being processed into petroleum products of any description;

F1**[**"International Energy Agency" means the intergovernmental organisation of that name established within the framework of the Organisation for Economic Co-operation and Development;**]**

"levy" means the levy imposed under *Part 5* ;

"local authority" has the same meaning as in the Local Government Act 2001;

F1**[**"major supply disruption" means a substantial and sudden drop in the supply of crude oil or petroleum products to the European Communities or to a Member

[1] OJ No. L 265, 9.10.2009, p. 9
[2] OJ No. L 263,22.10.2018, p. 57

State, irrespective of whether that drop has led to an effective international decision to release stocks;**]**

"Minister" means the Minister for Communications, Marine and Natural Resources;

"national oil reserves" means at any time the total volume of oil stocks F6**[**(excluding EU emergency stocks and specific stocks)**]** held at that time by—

(*a*) the Agency or another person on its behalf under a holding contract,

(*b*) oil companies, and

(*c*) oil consumers;

"oil" means crude oil, intermediate products and petroleum products;

"oil company", with respect to any month, means any person (other than the Agency) that, in the preceding calendar year—

(*a*) imported into the State or acquired, by purchase or otherwise, from another oil company or from an oil refining or oil storage facility in the State, oil for that person's own consumption, for resale or for disposal to a third party, or

(*b*) operated an oil refining or oil storage facility in the State that held in storage, consumed or sold oil;

"oil consumer", with respect to any month, means any person that, in the preceding calendar year—

(*a*) imported into the State,

(*b*) acquired, by purchase or otherwise, from an oil company in the State, or

(*c*) held in storage in the State,

1,000 or more tonnes of petroleum products exclusively for that person's own consumption in the State and not for resale or for disposal to a third party;

F7**[**"Oil Emergency Plan" has the meaning assigned to it by *section 68*;**]**

F8**[**"oil stocks" means stocks of the energy products listed in Chapter 3.4 of Annex A to Regulation (EC) No. 1099/2008;**]**

"petroleum products" includes the following categories of products:

(*a*) motor spirit and aviation fuel (that is to say, jet fuel of the gasoline type and aviation spirit);

(*b*) gas oil, diesel oil and kerosene (including jet fuel of the kerosene type);

(*c*) fuel oils;

F9**[**"prescribed" means prescribed (other than in *sections* F10**[**...**]** *44E, 44G, 44GA, 44X* and *44J*) by regulations made by the Minister;**]**

F7**[**"public body" means any of the following:

(*a*) a Minister of the Government;

(*b*) a local authority;

(*c*) the Health Service Executive;

(*d*) a university or institute of technology;

(*e*) an education and training board established under section 9 of the Education and Training Boards Act 2013;

(*f*) any other person, body or organisation established—

(i) by or under an enactment (other than the Companies Act 2014) or charter,

(ii) by any scheme administered by a Minister of the Government, or

(iii) under the Companies Act 2014 in pursuance of powers conferred by or under another enactment, and financed wholly or partly by means of money provided, or loans made or guaranteed, by a Minister of the Government or the issue of shares held by or on behalf of a Minister of the Government;

(*g*) a company (within the meaning of the Companies Act 2014) a majority of the shares in which are held by or on behalf of a Minister of the Government;

(*h*) any other person, body, organisation or group that the Minister may prescribe for the purposes of this Act;**]**

F1**[**"reference year" means the calendar year of the consumption or of the net import data used to calculate either the stocks to be held, or the stocks actually held, at any given time;

F7**[**"register" has the meaning assigned to it by *section 69*.**]**

F4**[**"Regulation (EC) No. 1099/2008" means Regulation (EC) No. 1099/2008 of the European Parliament and of the Council of 22 October 2008[3], as amended by Commission Regulation (EU) No. 147/2013 of 13 February 2013[4], Commission Regulation (EU) No. 431/2014 of 24 April 2014[5] and Commission Regulation (EU) 2017/2010 of 9 November 2017[6];**]]**

"regulations relating to returns" means regulations under *section 59*;

"share transfer day" means the day appointed under *section 5*;

"stockholding obligations", in relation to the State, means its obligations relating to the maintenance of oil stocks under—

(*a*) the Council Directive,

(*b*) any provision of the treaties governing the European Communities,

(*c*) any act adopted by the institutions of those Communities,

(*d*) the IEP Agreement, and

(*e*) any international convention or agreement to which the State is or becomes a party;

"subsidiary" means a subsidiary (within the meaning of section 155 of the Act of 1963) of the Agency;

"superannuation benefit" means a pension, gratuity or other allowance payable on resignation, retirement or death.

Expenses.

3.— The expenses incurred by the Minister in the administration of this Act shall, to such extent as may be sanctioned by the Minister for Finance, be paid out of monies provided by the Oireachtas.

PART 2

SHARE TRANSFER

[3] OJ No. L 304, 14.11.2008, p 1
[4] OJ No. L 50, 22.02.2013, p. 1
[5] OJ No. L 131, 1.05.2014, p. 1
[6] OJ No. L 292, 10.11.2017, p. 3

Transfer to Minister of share owned by Irish National Petroleum Corporation Limited in National Oil Reserves Agency Limited.

4.— Notwithstanding any enactment or rule of law or any provision contained in the memorandum or articles of association of the Irish National Petroleum Corporation Limited, the Minister shall by order direct the Irish National Petroleum Corporation Limited to transfer, on the share transfer day, the share owned by it in the National Oil Reserves Agency Limited to the Minister on such terms and conditions as the Minister, after consulting with the Minister for Finance, thinks fit.

Share transfer day.

5.— The Minister shall by order appoint a day to be the day on which the Irish National Petroleum Corporation Limited transfers the share owned by it in the National Oil Reserves Agency Limited to the Minister.

Transfer costs and stamp duty.

6.— (1) Amounts (if any) paid by the Minister in respect of a transfer directed under *section 4* shall be repaid to the Central Fund out of monies provided by the Oireachtas.

(2) Stamp duty is not chargeable on an instrument under which the share owned by the Irish National Petroleum Corporation Limited in the National Oil Reserves Agency Limited is transferred to the Minister.

PART 3

The National Oil Reserves Agency

Continuation of Agency.

7.— (1) The National Oil Reserves Agency Limited continues in existence under this Act, but is to be known as An Ghníomhaireacht Chúltaca Ola Náisiúnta or, in the English language, as the National Oil Reserves Agency.

(2) Subject to this Act, the Companies Acts continue to apply to the Agency.

(3) Section 6(1)(*a*) of the Act of 1963 does not apply to the Agency.

Object and functions of Agency.

8.— (1) The principal object of the Agency is to perform the functions assigned to it by or under this Act, including the functions of—

(*a*) maintaining, in accordance with *Part 4*, oil stocks,

(*b*) providing, on its own initiative or at the request of the Minister, advice, information or guidance to the Minister on any matter relating to the holding of oil stocks,

F11**[**(*c*) (i) collecting and recovering the levy, and

(ii) paying into the Climate Action Fund, out of the proceeds of the levy collected and recovered, such amount as is specified by the Minister pursuant to a direction (if any) given under *section 37A*,**]**

F12**[**(*ca*) administering the biofuel obligation in accordance with *Part 5A*,

(*cb*) collecting and recovering the biofuel levy,**]**

(*d*) providing, as the Agency considers appropriate, such consultancy, advisory, technical assistance and contract services (including research and training services) in the State or elsewhere, on any matter relating to the Agency's functions under *subsection (1)(a)*, and

(*e*) representing, at the request of the Minister, a Minister of the Government at meetings of international bodies in so far as the meetings relate to the holding of oil stocks.

(2) The object specified in *subsection (1)* is to be included in the Agency's memorandum of association.

(3) The Agency has power to do anything that appears to it to be requisite, advantageous or incidental to, or appears to it to facilitate (either directly or indirectly), the performance by it of its functions as specified in or under this Act or in its memorandum of association and that is not inconsistent with any enactment for the time being in force, including power—

(*a*) to acquire, by purchase or otherwise, hold, store, import, export, transport and exchange oil,

(*b*) subject to the prior approval of the Minister given with the consent of the Minister for Finance, to acquire land or an interest in land,

(*c*) to construct, acquire, maintain, operate and develop, in the State or elsewhere, works, plant, equipment, storage tanks and pipelines for holding and transporting oil stocks,

(*d*) to acquire, charter, hire or otherwise engage ships, vehicles and other means of transportation,

(*e*) to undertake in the State or elsewhere any other commercial business or operations in connection with the functions of the Agency,

(*f*) to invest and deal with the Agency's money,

(*g*) subject to the prior approval of the Minister given with the consent of the Minister for Finance, to enter into joint ventures, partnerships or other commercial arrangements with other persons to construct, acquire, maintain and develop in the State or elsewhere works, plant, equipment, storage tanks and pipelines for holding and transporting oil stocks,

(*h*) to sell, as the Agency thinks fit, oil held by or on behalf of the Agency,

(*i*) subject to the prior approval of the Minister given with the consent of the Minister for Finance, to sell all or part of any other property of the Agency for such consideration as the Agency thinks fit and in particular for shares, stock, debentures or other securities of F13**[**any body corporate,**]**

(*j*) subject to the prior approval of the Minister given with the consent of the Minister for Finance, to enter into any commercial agreement with a third party in the State or elsewhere for the purpose of enabling the Agency to perform its functions F14**[**under *subsection (1)(a)*, and**]**

F15**[**(*k*) to pay into the Climate Action Fund, out of the proceeds of the levy collected and recovered, such amount as is specified by the Minister pursuant to a direction (if any) given under *section 37A*.**]**

(4) This section does not prevent the inclusion in the memorandum of association of all objects and powers, consistent with this Act, that are reasonable, necessary or proper for, or incidental or ancillary to, the due attainment of the principal object of the Agency.

(5) The Agency may perform any of its functions through or by the chief executive or any member of its staff duly authorised in that behalf by the Agency.

Additional functions.

9.— The Minister may, with the consent of the Minister for Finance and after consulting with the Agency and any other Minister of the Government who, in the Minister's opinion, is concerned, by order assign to the Agency such additional functions connected with the functions assigned to it by or under this Act as the Minister considers appropriate.

Share capital of Agency.

10.— The authorised share capital of the Agency, as stated in its memorandum of association, shall be such amount, divided into shares of such value, as may be determined from time to time by the Minister for Finance after consulting with the Minister.

Issue of shares.

11.— (1) Shares in the share capital of the Agency may be issued only with the consent of the Minister for Finance given after consulting with the Minister.

(2) The cost of any shares issued to the Minister by the Agency shall be advanced to the Minister by the Minister for Finance out of the Central Fund or the growing produce of the Fund.

Exercise by Minister of functions exercisable by shareholders.

12.— The Minister may exercise, in respect of the shares held by him or her in the Agency, all the rights and powers of a holder of such shares and, where a right or power is exercisable by attorney, exercise it by his or her attorney.

Memorandum and articles of association.

13.— (1) The Agency shall take such steps as may be necessary under the Companies Acts to alter its memorandum and articles of association for the purpose of making them consistent with this Act.

(2) Notwithstanding anything contained in the Companies Acts, any alteration that is made in the memorandum or articles of association of the Agency takes effect only if the alteration is made with the prior approval of the Minister given with the consent of the Minister for Finance.

Board of directors.

14.— (1) The board of directors of the Agency is to consist of—

(*a*) not more than 5 directors (including the chairperson), and

(*b*) the person holding the office of chief executive who, by virtue of that office, is a director.

(2) The directors (other than the chief executive) shall be appointed by the Minister with the consent of the Minister for Finance.

(3) A person appointed as a director under *subsection (2)* shall be a person who, in the Minister's opinion, has experience and competence in one or more of the following areas:

(*a*) oil or oil related industries;

F16**[**(*aa*) biofuel or biofuel related industries;**]**

(*b*) chemical or chemical related industries;

(*c*) finance;

(*d*) economics;

(*e*) legal matters;

(*f*) energy production and supply industries.

(4) Each director appointed under *subsection (2)* shall be appointed for a period not exceeding 5 years and is eligible for reappointment.

(5) The Minister shall designate one of the directors (other than the chief executive) as chairperson.

(6) The Minister with the consent of the Minister for Finance may, at any time, remove from office a director appointed under *subsection (2)* if—

(*a*) in the Minister's opinion, the director has become incapable through ill-health of performing his or her functions,

(*b*) in the Minister's opinion, the director has committed stated misbehaviour,

(*c*) the director's removal from office appears to the Minister to be necessary for the Agency to perform its functions effectively, or

(*d*) the director has contravened *section 24* of this Act or an applicable provision of the Ethics in Public Office Act 1995.

(7) Section 182 of the Act of 1963 does not apply to the Agency.

F17**[**(8) The directors (including the chairperson and chief executive) shall be paid by the Agency out of F18**[**the proceeds of the levy collected and recovered and the proceeds of the biofuel levy collected and recovered**]** such remuneration (if any) and allowances for expenses as the Minister, with the consent of the Minister for Finance, may determine.**]**

(9) A person who, immediately before the commencement of this section, held office as a director of the Agency shall, subject to *subsection (6)* and *section 23* and the terms and conditions upon which he or she was appointed, continue in office as such director until the end of the period for which he or she was appointed, as if appointed under *subsection (2)*.

(10) In this section "applicable provision of the Ethics in Public Office Act 1995", in relation to a director appointed under *subsection (2)*, means a provision of that Act that, by virtue of a regulation under section 3 of that Act, applies to that director.

Strategy statement.

15.—(1) As soon as practicable after the share transfer day, the Agency shall prepare and submit to the Minister for approval a strategy statement for—

(*a*) in the case of the initial strategy statement, the ensuing five year period, and

(*b*) in the case of each subsequent strategy statement, the period specified by the Minister.

(2) Each strategy statement shall be prepared in such form and manner as the Minister may direct.

(3) In preparing a strategy statement, the Agency shall have regard to the need to ensure the most beneficial, effective and efficient use of its resources and shall include the following information:

(*a*) the key strategies and activities the Agency will pursue to further its objects and perform its functions;

(*b*) the outputs the Agency aims to achieve and against which its performance will be assessed;

(*c*) the staff, resources and expenditure proposals necessary to pursue the strategies and activities referred to in *paragraph (a)*.

F19**[**(3A) Prior to approving a strategy statement, the Minister shall consult with the Minister for Transport in relation to the information included in the strategy statement pursuant to *subsection (3)* where such information relates to functions transferred to the Minister for Transport under section 23 of the Oil Emergency Contingency and Transfer of Renewable Transport Fuel Functions Act 2023.**]**

(4) As soon as practicable after approving a strategy statement, the Minister shall cause a copy of the statement to be laid before each House of the Oireachtas.

Power to establish subsidiaries.

16.—(1) The Agency may, with the consent of the Minister and the Minister for Finance, perform any of its functions through a subsidiary.

(2) For the purpose of *subsection (1)*, the Agency may do one or more of the following:

(*a*) acquire, form or establish one or more than one subsidiary;

(*b*) acquire or hold shares, or any other interest, in a company or become a member of a company.

(3) A subsidiary that is acquired, formed or established under *subsection (2)* may be formed and registered under—

(*a*) the Companies Acts, or

(*b*) the laws of a place other than the State.

(4) The Agency shall ensure that the memorandum and articles of association of each subsidiary are in a form consistent with this Act and that the prior approval of the Minister and the Minister for Finance is obtained in relation to the memorandum and articles of association of each subsidiary and any alterations to them.

(5) Each subsidiary formed or established under the Companies Acts shall be limited by shares and comply with those Acts.

(6) The Minister may, subject to *subsection (7)*, give a direction in writing to the Agency on any matter relating to a subsidiary, and the Agency shall ensure compliance with the direction.

(7) A direction that relates to the disposal of any assets or surpluses of a subsidiary may only be given with the consent of the Minister for Finance.

(8) The grades of staff and the number of staff of a subsidiary shall be determined by the Agency, with the consent of the Minister and the Minister for Finance.

(9) A member of the staff of a subsidiary holds office or employment subject to such terms and conditions as are approved by the Minister with the consent of the Minister for Finance.

(10) The directors of a subsidiary shall be appointed and may be removed from office by the Agency with the prior approval of the Minister given with the consent of the Minister for Finance.

(11) If a person who is both a director of a subsidiary and a director of the Agency is removed under *section 14(6)* from office as a director of the Agency or ceases under *section 23* to hold such office, that person immediately ceases to be a director of the subsidiary.

(12) The Minister may, by order, designate a subsidiary that complies with the requirements of this section as a subsidiary whose operating costs and administrative expenses are to be paid out of F20**[**the proceeds of the levy collected and recovered and the proceeds of the biofuel levy collected and recovered**]**.

(13) Where any function of the Agency is, under the memorandum of association of a subsidiary, a function of the subsidiary, every provision of, or of any instrument under this Act or any other enactment relating to the Agency shall, in respect of that function, apply to the subsidiary as it applies to the Agency.

Power to charge and recover fees.

17.— (1) The Agency may charge, receive and recover fees for work undertaken by it on behalf of any person other than a Minister of the Government.

(2) The Agency may recover, as a simple contract debt in any court of competent jurisdiction, from any such person any amount due and owing to it under *subsection (1)*.

Power to engage consultants and advisers.

18.—(1) The Agency may engage such consultants or advisers as it considers necessary for performing its functions.

(2) Any fees due to a consultant or adviser engaged under this section shall be paid by the Agency out of F21**[**the proceeds of the levy collected and recovered and the proceeds of the biofuel levy collected and recovered**]**.

Chief executive (appointment and term of office).

19.— (1) There shall be a chief executive of the Agency.

(2) The chief executive shall be appointed and may be removed or suspended from office by the directors appointed under *section 14(2)*.

(3) The chief executive holds office for such period and subject to such terms and conditions (including terms and conditions relating to remuneration and allowances for expenses) that the directors appointed under *section 14(2)* may, with the approval of the Minister given with the consent of the Minister for Finance, determine.

(4) The remuneration and allowances determined under *subsection (3)* and any superannuation benefits payable to or in respect of the chief executive shall be paid by the Agency out of F22**[**the proceeds of the levy collected and recovered and the proceeds of the biofuel levy collected and recovered**]**.

(5) A person may be reappointed as chief executive subject to the other provisions of this section.

(6) Where and for so long as the chief executive is suspended from office, the chief executive is suspended from being a director of the Agency.

Functions of chief executive.

20.— (1) The functions of the chief executive are—

(*a*) to carry on, manage and control generally the administration and business of the Agency, and

(*b*) to perform any other functions that may be determined by the directors.

(2) The chief executive is responsible to the board of directors for the performance of his or her functions and the implementation of the board's policies.

(3) The chief executive shall provide the directors with such information, including financial information, in relation to the performance of his or her functions as the directors may require.

(4) The functions of the chief executive may be performed in his or her absence or when the position of chief executive is vacant by such member of the staff of the Agency as may be designated for that purpose by the directors.

(5) The person designated under *subsection (4)* to perform functions of the chief executive is not entitled to act as a director of the Agency.

(6) The directors may at any time revoke or alter a designation made under *subsection (4)*.

(7) The chief executive shall not hold any other office or position or carry on any business, trade or profession without the consent of the directors.

Staff of Agency.

21.— (1) The Agency may, subject to a determination under *subsection (2)*, appoint persons to be members of its staff.

(2) The Agency shall, with the approval of the Minister given with the consent of the Minister for Finance, determine—

(*a*) the terms and conditions of employment (including terms and conditions relating to remuneration and allowances) of staff appointed under this section, and

(*b*) the grades and the numbers of staff of the Agency at each grade.

(3) The remuneration and allowances of the members of the Agency's staff and any superannuation benefits payable to or in respect of those members shall be paid by the Agency out of F23**[**the proceeds of the levy collected and recovered and the proceeds of the biofuel levy collected and recovered**]**.

(4) A member of staff of the Agency shall perform such duties as the chief executive may assign to him or her.

(5) A person who, immediately before the commencement of this section, was a member of staff of the Agency shall, subject to *section 23(2)* and the terms and conditions upon which he or she was appointed, continue in employment as if appointed under *subsection (1)*.

Superannuation.

22.— (1) The Agency shall prepare and submit to the Minister a scheme, or more than one scheme, for granting superannuation benefits to or in respect of such members of staff (including the chief executive) of the Agency as it may think fit.

(2) A superannuation scheme shall fix the time and conditions of retirement for all persons to or in respect of whom superannuation benefits are payable under the scheme and different times and conditions may be fixed in respect of different classes of persons.

(3) A superannuation scheme submitted to the Minister under this section shall, if approved by the Minister with the consent of the Minister for Finance, be carried out by the Agency in accordance with its terms.

(4) A superannuation scheme may be amended or revoked by a subsequent scheme prepared, submitted and approved under this section.

(5) The Agency may not grant, or enter into any arrangement for the provision of any superannuation benefit to or in respect of a member of staff (including the chief executive) of the Agency except in accordance with a superannuation scheme approved under this section or approved by the Minister with the consent of the Minister for Finance.

(6) Each superannuation scheme shall include provision for appeals from a decision relating to a superannuation benefit under the scheme.

(7) The Minister shall ensure that a superannuation scheme approved under this section, including an amendment of a scheme, is laid before each House of the Oireachtas as soon as practicable after it is approved.

(8) Either House of the Oireachtas may, by a resolution passed within 21 sitting days after the day on which the superannuation scheme is laid before it, annul the scheme.

(9) The annulment of a superannuation scheme under *subsection (8)* takes effect immediately on the passing of the resolution concerned, but does not affect the validity of anything done under the scheme before the passing of the resolution.

(10) A scheme for granting superannuation benefits to or in respect of members of the staff of the Agency that is in existence immediately before the passing of this Act and that has been approved by the Minister with the consent of the Minister for Finance is deemed to have been submitted and approved under this section.

Membership of either House of Oireachtas, European Parliament or local authority.

23.— (1) A director of the Agency (including the chief executive) immediately ceases to hold office on—

(*a*) being nominated as a member of Seanad Éireann,

(*b*) being elected as a member of either House of the Oireachtas or of the European Parliament,

(*c*) being regarded, pursuant to section 19 of the European Parliament Elections Act 1997, as having been elected to the European Parliament to fill a vacancy, or

(*d*) becoming a member of a local authority.

(2) A member of staff of the Agency is immediately seconded from employment with the Agency on—

(*a*) being nominated as a member of Seanad Éireann,

(*b*) being elected as a member of either House of the Oireachtas or of the European Parliament, or

(*c*) being regarded, pursuant to section 19 of the European Parliament Elections Act 1997, as having been elected to the European Parliament to fill a vacancy.

(3) No remuneration or allowances are payable by the Agency in respect of the secondment period to a person seconded under *subsection (2)* from employment, and that period is not to be counted as service with the Agency for the purposes of any superannuation benefit.

(4) In relation to a person seconded under *subsection (2)* from employment, the secondment period begins on the occurrence of the relevant event referred to in that subsection and ends when the person ceases to be a member of either House of the Oireachtas or of the European Parliament.

(5) A person who is entitled under the Standing Orders of either House of the Oireachtas to sit in that House or who is a member of the European Parliament is, while so entitled or such a member, not eligible to become a director of the Agency or to be employed in any capacity by the Agency.

Unauthorised disclosure of confidential information.

24.— (1) Except in the circumstances specified in *subsection (2)*, a person shall not disclose confidential information obtained while performing functions as—

(*a*) a director of the Agency,

(*b*) a member of a committee of the Agency,

(*c*) the chief executive or any other member of staff of the Agency,

(*d*) an authorised officer,

(*e*) a person engaged by the Agency as a consultant or adviser, or

(*f*) an employee of a person referred to in *paragraph (e)*.

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

(*a*) the Agency authorises its disclosure,

(*b*) the disclosure is made to the Agency,

(*c*) the disclosure is made to the Minister by or on behalf of the Agency or in compliance with a requirement of this Act, or

(*d*) the disclosure is otherwise required by law.

(3) In this section "confidential information" means—

(*a*) information that is expressed by the Agency to be confidential either as regards particular information or as regards information of a particular class or description, and

(*b*) proposals of a commercial nature or tenders submitted to the Agency by a contractor, a consultant or any other person.

Code of conduct.

25.— (1) The Agency shall, following consultation with the Minister, draw up a code of conduct in respect of proper standards of integrity, conduct and concern for the public interest to be maintained by a person while performing functions as—

(*a*) a director of the Agency,

(*b*) a member of a committee of the Agency,

(*c*) the chief executive or any other member of staff of the Agency,

(*d*) a consultant or adviser engaged by the Agency, or

(*e*) an employee of a person referred to in *paragraph (d)*.

(2) The Agency shall publish any code of conduct drawn up under this section.

Power to borrow.

26.— (1) The Agency may, subject to *subsections (2)* and *(3)*, raise or borrow money (including money in a currency other than the currency of the State) by means of the issue of debentures or otherwise, for the purpose of providing for current or capital purposes.

(2) The aggregate amount at any time of money raised or borrowed under this section shall not exceed €1 billion.

(3) No money may be raised or borrowed under this section except with the prior approval of the Minister given with the consent of the Minister for Finance and subject to such terms and conditions as they may determine.

(4) F24**[**...**]**

(5) For the purposes of this section and *section 27* money raised or borrowed in a currency other than the currency of the State is deemed to be the equivalent in the currency of the State of the actual money raised or borrowed, such equivalent being calculated according to the rate of exchange, at the time the money is raised or borrowed, for that currency and the currency of the State.

(6) The limit on borrowings provided for under *subsection (2)* applies to the aggregate at any one time of borrowings of the Agency and all subsidiaries.

Temporary borrowing.

27.— The Agency may, with the prior approval of the Minister given with the consent of the Minister for Finance, borrow temporarily by arrangement with bankers or otherwise such sums of money (including money in a currency other than the currency of the State) as it may require for the purpose of providing for current expenditure.

Annual report.

28.— (1) The Agency F25**[**shall submit to the Minister**]** an annual report of its activities and those of any subsidiaries after the end of the financial year to which the report relates.

(2) Each annual report shall be in such form and include information regarding such matters as the Minister may direct.

F26**[**(2A) On receipt of the annual report from the Agency under *subsection (1)*, the Minister shall provide a copy of the annual report to the Minister for Transport.**]**

(3) The Minister shall cause copies of the annual report to be laid before each House of the Oireachtas not later than 6 months after the end of the financial year to which the report relates.

Accounts and audit.

29.— (1) Without prejudice to the requirements of the Companies Acts in relation to proper books of account, the Agency shall keep, in such form as may be approved by the Minister with the consent of the Minister for Finance, all proper books and records of account of—

(*a*) all income received by it including the sources,

(*b*) all expenditure incurred by it, and

(*c*) its assets and liabilities.

(2) The Agency shall submit its accounts annually to the Comptroller and Auditor General for audit at such times as the Minister, with the consent of the Minister for Finance, shall direct.

(3) After the audit, the Agency shall present to the Minister the audited accounts together with the Comptroller and Auditor General's report.

F27**[**(3A) The Minister shall, as soon as may be after he or she has been presented, under *subsection (3)*, with the documents referred to in that subsection, provide copies of those documents to the Minister for Transport.**]**

(4) The Minister shall cause copies of the documents presented under *subsection (3)* to be laid before each House of the Oireachtas not later than 6 months after the end of the financial year to which the audited accounts relate.

Information to Minister on performance of functions.

30.— (1) If required by the Minister, the Agency shall provide the Minister with information in relation to such matters as he or she may specify concerning or relating to—

(*a*) the performance of its functions (including those performed through a subsidiary),

(*b*) its plans for the future performance of its functions,

(*c*) any strategy statement that has been laid before each House of the Oireachtas under *section 15*,

(*d*) any report or account prepared by it under *sections 28* or *29* ,

(*e*) the economy and efficiency of use of the Agency in the use of its resources,

(*f*) the systems, procedures and practices employed by the Agency for the purpose of evaluating the effectiveness of its operations, or

(*g*) the policy and activities, other than day-to-day activities, of the Agency and of any subsidiaries.

(2) Information required by the Minister under *subsection (1)* shall be provided in such form and within such period as the Minister may direct.

F28**[**(3) If required by the Minister for Transport, the Agency shall provide the Minister for Transport with information in relation to such matters as he or she may specify concerning or relating to—

(*a*) the performance of its functions (including those performed through a subsidiary) under:

(i) *Part 5A*;

(ii) the European Union (Biofuel Sustainability Criteria) Regulations 2012 (S.I. No. 33 of 2012);

(iii) the European Union (Greenhouse Gas Emission Reductions, Calculation Methods and Reporting Requirements) Regulations 2017 (S.I. No. 160 of 2017), and

(*b*) its plans for the future performance of its functions under *Part 5A* or either of the instruments referred to at *subparagraphs (ii)* and *(iii)* of *paragraph (a)*.

(4) Information required by the Minister for Transport under *subsection (3)* shall be provided in such form and within such period as the Minister for Transport may direct.**]**

Information to Oireachtas on performance of functions.

31.— (1) Whenever required to do so by the Committee of Dáil Éireann established under the Standing Orders of Dáil Éireann to examine and report to Dáil Éireann on the appropriation accounts and reports of the Comptroller and Auditor General, the chief executive shall give evidence to that Committee on all matters pertaining to the expenditure of the Agency and any of its subsidiaries.

(2) Whenever requested to do so by a committee (other than the Committee referred to in *subsection (1)*) of one or both Houses of the Oireachtas, the chief executive shall account to such committee for the performance of the functions of the Agency and any of its subsidiaries.

F29**[**Appointment of National Treasury Management Agency to act on behalf of Agency in certain matters.

31A.— (1) In this section "NTMA" means the National Treasury Management Agency.

(2) (*a*) Subject to the prior consent of the Minister for Finance, the Agency may from time to time request the NTMA to perform, on its behalf, all or any part of the functions of the Agency under—

(i) *sections 8(3)(f)*, *26* and *27* F30**[**...**]**,

(ii) section 3 of the Borrowing Powers of Certain Bodies Act 1996, and

(iii) section 2 of the Financial Transactions of Certain Companies and Other Bodies Act 1992.

(*b*) The Agency may from time to time, subject to the prior consent of the Minister for Finance, revoke or amend a request made under *paragraph (a)*, but without prejudice to the validity of anything done previously on foot of that request in the terms that it stood immediately before that revocation or amendment.

(*c*) For so long as a request made under *paragraph (a)* has effect, the NTMA shall, subject to *paragraph (d)*, perform on behalf of the Agency the functions specified in the request.

(*d*) The functions of the Agency specified in any request made under *paragraph (a)* shall be performed by the NTMA on behalf of the Agency subject to such terms and conditions (including any amendment to such terms and conditions) as the Agency and the NTMA may from time to time agree.

(3) The Minister for Finance may from time to time revoke, in whole or in part, any consent given under *subsection (2)*, but without prejudice to the validity of anything done previously on foot of that consent in the terms that it stood immediately before that revocation.

(4) The NTMA has, by virtue of this subsection, all the powers that are necessary for or incidental to the performance on behalf of the Agency of the functions specified in a request made under *subsection (2)*.

(5) The Agency, in connection with the performance of the functions referred to in *subsection (4)*, may—

(*a*) engage in transactions of a normal banking nature in respect of the management of the Agency's money, including issuing funds from the Agency's account,

(*b*) pay into any foreign currency clearing account created by the Minister for Finance under section 139 of the Finance Act 1993 the proceeds of any transaction denominated in a currency other than the currency of the State, and

(*c*) apply any amounts standing to the credit of any foreign currency clearing account towards the discharging of payment obligations arising under any transaction referred to in *paragraph (a)*.

(6) The expenses and other costs incurred by the NTMA in connection with or arising out of any transactions engaged in by the NTMA in the performance on behalf of the Agency of any of the functions specified in a request made under *subsection (2)* shall be charged to the Agency.**]**

PART 4

MAINTENANCE OF OIL STOCKS

Duty of Agency.

32.— (1) The Agency shall maintain at the Minister's disposal, such oil stocks as will secure that at all times, subject to *section 35*, national oil reserves F31**[**and Irish emergency stocks**]** are maintained at—

(*a*) a level sufficient to comply with the State's stockholding obligations, or

(*b*) such higher level as the Minister may, by written direction, specify if he or she considers it necessary to do so for the effective performance of the Agency's functions.

F32**[**(1A) The level of Irish emergency stocks to be maintained for the purposes of *subsection (1)*(*a*), insofar as that subsection relates to those stocks, shall be at least the greater of—

(*a*) stocks equal to 90 days of average daily net imports calculated in accordance with *subsection (1B)*, or

(*b*) stocks equal to 61 days of average inland consumption calculated in accordance with *subsection (1B)*.

(1B)(*a*) In calculating which level of Irish emergency stocks referred to in *subsection (1A)* is to apply—

(i) 90days of average daily net imports shall be calculated on the basis of the crude oil equivalent of imports during the previous calendar year determined in accordance with *Schedule 1*, and

(ii) 61 days of average daily inland consumption shall be calculated on the basis of the crude oil equivalent of inland consumption during the previous calendar year, established and calculated in accordance with *Schedule 2*.

(*b*) For the purposes of the calculations referred to in *paragraph (a)*, biofuels and additives shall be taken into account only when they have been blended with the petroleum products concerned.

(*c*) The average daily net imports and average daily inland consumption referred to in *subparagraphs (i)* and *(ii)* of *paragraph (a)* shall be determined, in relation to the period from 1 January to F33**[**30 June**]** of each calendar year, on the basis of the quantities imported into, or consumed in, the State during the last year but one before the calendar year in question.

(*d*) The level of Irish emergency stocks shall be calculated in accordance with *Schedule 3*.

(*e*) The level of Irish emergency stocks at a given time shall be calculated using data from the reference year determined in accordance with *paragraphs (a)*, *(b)* and *(c)*.

(*f*) When calculating the level of Irish emergency stocks, biofuels and additives shall be taken into account when—

(i) they have been blended with petroleum products concerned, or

(ii) they are—

(I) stored on the territory of the State,

(II) to be blended with petroleum products to be used for transportation purposes in accordance with *Part 5*,

and

(III) reported on monthly in accordance with the National Oil Reserves Agency Act 2007 (Returns and Biofuels Levy) Regulations 2010 (S.I. No. 356 of 2010).

(1C)(*a*) At least one-third of Irish emergency stocks shall be in the form of one or more of the following product categories as defined in F33**[**Chapter 3.4 of Annex A to Regulation (EC) No. 1099/2008**]**:

(i) Ethane

(ii) LPG

(iii) Motor gasoline

(iv) Aviation gasoline

(v) Gasoline-type jet fuel (naphtha-type jet fuel or JP4)

(vi) Kerosene-type jet fuel

(vii) Other kerosene

(viii) Gas or diesel oil (distillate fuel oil)

(ix) Fuel oil (high sulphur content and low sulphur content)

(x) White spirit and SBP

(xi) Lubricants

(xii) Bitumen

(xiii) Paraffin waxes

(xiv) Petroleum coke.

(*b*) Stock levels for each category of product referred to in *paragraph (a)* shall, in respect of each product in the category concerned, be calculated in accordance with *Schedule 3*.**]**

(2) The Agency may carry out its duty F34**[**under this section**]** by—

(*a*) holding the oil stocks itself, or

(*b*) entering into holding contracts.

Holding contracts.

33.— (1) A holding contract is a contract between the Agency and another person by which that other person undertakes to hold at the disposal of the Agency an agreed volume of oil stocks (whether or not owned by the Agency) for the purposes of the Agency's functions.

(2) A holding contract may provide for the agreed volume of oil stocks to be held—

(*a*) inside the State, or

(*b*) outside the State in the territory of another state in accordance with F35**[**an oil stocks agreement**]**.

(3) Before entering into a holding contract providing for oil stocks to be held outside the State in accordance with F35**[**an oil stocks agreement**]**, the Agency shall submit its proposals to the Minister for approval.

(4) Before deciding whether to give or withhold approval of proposals submitted under *subsection (3)*, the Minister shall have regard to such factors as he or she considers appropriate, including any need for particular categories of oil stocks to be held within the State.

Duties of Minister.

34.— (1) The Minister shall, in accordance with the State's stockholding obligations, from time to time determine the extent to which, and the manner in which, crude oil, intermediate products and different categories of petroleum products may be taken into account—

(*a*) in calculating national oil reserves F36**[**and Irish emergency stocks**]**, and

(*b*) in determining the volume of oil stocks to be maintained by the Agency in order to carry out its duty under *section 32*.

(2) The Minister shall keep the Agency informed of the volume of oil stocks, calculated by reference to the information supplied to the Minister in accordance

with the regulations relating to returns, that the Agency must maintain to comply with its duty under *section 32*.

Release of oil stocks in cases of particular urgency.

35.— (1) If the Minister considers that a case of particular urgency exists, F37**[**whether by reason of an effective international decision to release stocks or a major supply disruption, or otherwise,**]** and that it is necessary for the compliance by the State with its stockholding obligations to do so, he or she shall notify the Agency that the oil stocks maintained by it may be reduced below the level required under *section 32* for such period and to such level as the Minister may, in writing, direct.

(2) After consulting the Agency, the Minister may, in writing—

(*a*) issue a direction specifying the procedures to be applied by the Agency for releasing such oil stocks, and

(*b*) authorise the Agency to release oil stocks in accordance with those procedures.

PART 5

Levy on Relevant Disposals of Petroleum Products

Definitions for *Part 5*.

36.— In this Part—

F38**[**"expenses" other than in *section 37B* means**]** the operating costs and administrative expenses of the Agency and each designated subsidiary, including the following:

(*a*) oil storage costs;

(*b*) the costs of holding under a holding contract oil stocks not owned by the Agency;

(*c*) the remuneration, if any, and allowances for expenses of the directors;

(*d*) the remuneration and allowances for expenses of the chief executive and any superannuation benefits payable to or in respect of him or her;

(*e*) the remuneration and allowances of the members of staff and any superannuation benefits payable to or in respect of such members;

(*f*) fees due to any consultants or advisers engaged under this Act;

(*g*) the costs incurred by the Agency in F39**[**collecting or recovering the levy**]**;

F40**[**(*ga*) the costs incurred by the Agency in administering the biofuel obligation;

(*gb*) the costs incurred by the Agency in F41**[**collecting or recovering the biofuel levy**]**;**]**

(*h*) the payment of any interest and other bank charges incurred on borrowings under *sections 26* and *27;*

(*i*) the repayment of principal borrowed under *section 26* or *27* to purchase oil or to do anything specified in *section 8 (3)(a), (b), (c)* or *(f)*;

F42**[**(*j*) the expenses and other costs incurred by the NTMA in connection with or arising out of any transactions engaged in by the NTMA in the performance on behalf of the Agency of any of the functions specified in a request made under *section 31A(2)*;**]**

"levy assessment notice" means a notice issued under *section 41*;

"marine bunkers" means petroleum products that are exempt from excise duty as being intended for the fuel tanks of sea-going vessels;

"petroleum products" does not include marine bunkers, aviation fuel and jet fuel of the kerosene type;

"relevant disposal of petroleum products" has the meaning assigned by *section 37(2)*;

"volume assessment" means an assessment under *section 39* of relevant disposals of petroleum products.

Liability of oil companies and oil consumers to pay levy.

37.—F43**[**(1) For the purposes of—

(*a*) meeting expenses properly incurred, or likely to be so incurred, by the Agency and each designated subsidiary in performing functions under this Act, and

(*b*) contributing to the funding of the Climate Action Fund in accordance with this Act,

oil companies and oil consumers, shall, in accordance with this Part and the regulations under *section 44* pay to the Agency in each month a levy on their relevant disposals of petroleum products in the preceding month.**]**

F44**[**(1A) The rate of the levy shall be—

(*a*) other than during the period referred to in *paragraph (b)* and such further period as may be specified by order (if any) under *subsection (1B)*, €0.02 per litre of relevant disposals of petroleum products, and

(*b*) during the period beginning on 1 April 2026, or on the date of the coming into operation of section 1 of the National Oil Reserves Agency (Amendment) Act 2026, whichever is the later, and ending on 1 June 2026, €0.001 per litre of relevant disposals of petroleum products.**]**

F45**[**(1B) Subject to *subsection (1C)*, the Minister may, where he or she considers it necessary to do so, by order, reduce the rate of the levy referred to in *subsection (1A)(a)* to a rate specified in the order, for the period specified in the order.

(1C) An order under *subsection (1B)* shall have effect only during the period beginning on 2 June 2026 and ending on 31 December 2027.

(1D) A reference in this Act to the rate of the levy shall, where an order is in effect under *subsection (1B)*, be construed as the rate of the levy specified in that order.**]**

(2) A relevant disposal of petroleum products is the volume (expressed in tonnes or litres) of petroleum products that in any month—

(*a*) in relation to an oil company, it consumes or it disposes of by sale or otherwise to persons in the State, and

(*b*) in relation to an oil consumer, it consumes in the State.

(3) No levy is payable by an oil company (other than an oil company operating an oil refining or oil storage facility in the State) or an oil consumer on its relevant disposals of petroleum products where the levy has been paid by the oil company from which it acquired the petroleum products.

F46**[**Payment into Climate Action Fund by direction of Minister

37A.— (1) In this section—

"combined actual and estimated income of the Agency" means the combined actual and estimated income of the Agency in the financial year in which it is proposed to give a direction under *subsection (2)* as determined in accordance with *subsection (4)*;

"combined actual and estimated expenses of the Agency" means the combined actual and estimated expenses of the Agency in the financial year in which it is proposed to give a direction under *subsection (2)* as determined in accordance with *subsection (5)*;

"financial year" means the financial year of the Agency.

(2) Subject to *subsection (3)*, the Minister may, in each financial year commencing with the financial year in which the National Oil Reserves Agency (Amendment) and Provision of Central Treasury Services Act 2020 is commenced, following consultation with the Agency, the Minister for Public Expenditure and Reform and the Minister for Finance, give a direction to the Agency to pay into the Climate Action Fund in that financial year the amount specified in the direction.

(3) The amount which the Minister may specify in a direction under *subsection (2)* shall be an amount—

(*a*) that represents part of the sum of—

(i) the proceeds of the levy collected and recovered in that part of the financial year falling before the date on which the direction is to be given other than the proceeds of the levy collected and recovered before the commencement of the National Oil Reserves Agency (Amendment) and Provision of Central Treasury Services Act 2020, and

(ii) the proceeds of the levy estimated, having regard to the matters referred to in *subsection (4)(b)(i)* to *(iv)*, to be collected and recovered during that part of the financial year falling after the date on which the direction is to be given,

(*b*) in respect of which the Minister is reasonably satisfied that, when the amount is deducted from the combined actual and estimated income of the Agency, such deduction will not result in the remaining combined actual and estimated income of the Agency being insufficient to meet the combined actual and estimated expenses of the Agency, and

(*c*) that the Minister considers is appropriate to be so specified having regard to the expenses referred to in *subsection (6)*.

(4) (*a*) The combined actual and estimated income of the Agency shall be the sum of—

(i) the amount of money standing to the credit of the accounts (if any) of the Agency at any financial institution in the State and at the National Treasury Management Agency,

(ii) the proceeds of the levy estimated to be collected and recovered during that part of the financial year falling after the date on which a direction is given, and

(iii) the proceeds of the biofuel levy estimated to be collected and recovered during that part of the financial year falling after the date on which a direction is given,

determined in accordance with *paragraph (b)*.

(*b*) For the purpose of determining the combined actual and estimated income of the Agency, the Minister shall have regard to—

(i) the information contained in the Agency's strategy statement for the time being,

(ii) the information provided by the Agency to him or her in that regard during the consultation by him or her with the Agency referred to in *subsection (2)* or pursuant to a request by him or her under this section, or otherwise,

(iii) the proceeds of the levy collected and recovered in the immediately preceding financial year, and

(iv) where available, the information presented to him or her under *section 29*.

(5) (*a*) The combined actual and estimated expenses of the Agency shall be the sum of—

(i) the expenses properly incurred by the Agency and each designated subsidiary in the financial year in which the direction is to be given, but before the date on which it is given, in performing its functions under this Act, and which have not been paid, and

(ii) the expenses of the Agency and each designated subsidiary in performing its functions under this Act estimated to be likely to be properly incurred during that part of the financial year falling after the date on which a direction is given,

determined in accordance with *paragraph (b)*.

(*b*) For the purpose of determining the combined actual and estimated expenses of the Agency, the Minister shall have regard to—

(i) the information contained in the Agency's strategy statement for the time being,

(ii) the information provided by the Agency to him or her in that regard during the consultation by him or her with the Agency referred to in *subsection (2)* or pursuant to a request by him or her under this section, or otherwise,

(iii) the expenses of the Agency and of each designated subsidiary in the immediately preceding financial year, and

(iv) where available, the information presented to him or her under *section 29*.

(6) For the purpose of *subsection (3) (c)*, the expenses to which the Minister shall have regard are expenses estimated by the Agency as being likely to be properly incurred by it and each designated subsidiary in a financial year subsequent to that in which the direction is to be given and which are identified by the Agency in its strategy statement for the time being or in the consultations by the Minister with the Agency referred to in *subsection (2)* or in information provided to the Minister pursuant to a request by him or her under this section, or otherwise.

(7) A direction under this section shall be given in writing and may provide for the payment of the amount specified in the direction by one payment or by payment by instalments, to be paid in such amounts and at such time or times as may be specified in the direction.

(8)(*a*) Subject to *paragraph (b)*, a payment by the Agency in accordance with *subsection (7)* shall be made out of the moneys standing to the credit of any account of the Agency at any financial institution in the State or at the National Treasury Management Agency which represent the proceeds of the levy collected and recovered at the time the payment is made.

(*b*) Any moneys referred to in *paragraph (a)* which represent the proceeds of the levy collected and recovered before the commencement of the National Oil Reserves Agency (Amendment) and Provision of Central Treasury Services Act 2020 shall not form part of any payment into the Climate Action Fund under this section.

(9) (*a*) Without prejudice to *section 30*, the Minister may request the Agency to provide him or her with information in relation to such matters as he or she may specify which he or she considers necessary or expedient for the performance of his or her functions under this section.

(*b*) Information requested by the Minister under *paragraph (a)* shall be provided to him or her by the Agency and shall be provided in such form and within such period as the Minister may direct.

(10) The Agency shall comply with a direction given by the Minister under this Act.**]**

F47**[**Climate Action Fund

37B.— (1) There shall stand established on the commencement of the National Oil Reserves Agency (Amendment) and Provision of Central Treasury Services Act 2020 a fund which shall be known as the "Climate Action Fund".

(2) Subject to *subsection (3)*, the Minister shall manage and control the Climate Action Fund.

(3) (*a*) The Minister may by order delegate the management and control of the Climate Action Fund and any other functions under this section related to such management and control to a specified person.

(*b*) An order under *paragraph (a)* may contain such ancillary and incidental provisions as the Minister considers necessary or expedient for the purposes of the delegation effected by the order.

(*c*) The Minister may give directions or guidelines to the person to whom a delegation is made under *paragraph (a)* in relation to the performance by the person of the functions delegated to it under the order and that person shall comply with any such directions and perform those functions in accordance with any such guidelines.

(*d*) The Minister shall before giving directions or guidelines under *paragraph (c)* consult with such other Minister of the Government (if any) who he or she considers appropriate.

(4) The Climate Action Fund shall consist of such accounts as the Minister may determine.

(5) The Minister shall keep all proper and usual accounts of all moneys paid into the Climate Action Fund and disbursements from the Climate Action Fund.

(6) As soon as may be after the end of each financial year, the Minister shall submit the accounts of the Climate Action Fund to the Comptroller and Auditor General for audit and the Minister shall cause a copy of the accounts as so audited together with a copy of the report of the Comptroller and Auditor General thereon to be laid before each House of the Oireachtas.

(7) Subject to, and in accordance with a direction (if any) of the Minister given under *section 37A*, there shall be paid by the Agency into the Climate Action Fund the amount specified in the direction.

(8) The Minister may, out of moneys provided by the Oireachtas or other sources, pay into the Climate Action Fund in any financial year such amount as he or she determines, with the consent of the Minister for Public Expenditure and Reform, in relation to that financial year.

(9) Without prejudice to *subsection (13)*, the Minister may from time to time pay out of the Climate Action Fund such amounts of moneys as he or she considers appropriate for any or all of the following purposes:

(*a*) to support projects that seek to reduce, or support the reduction of, greenhouse gas emissions in the State;

(*b*) to support projects that seek to increase the production, or use, of renewable energy in the State;

(*c*) to support projects that seek to improve energy efficiency in the State;

F48**[**(*ca*) to support projects that seek to increase climate resilience in the State;

(*cb*) to support nature based projects that enhance biodiversity and seek to reduce, or increase the removal of, greenhouse gas emissions or support climate resilience in the State;**]**

(*d*) to support initiatives involving potentially innovative solutions to—

(i) reduce greenhouse gas emissions in the State,

(ii) increase the production or use of renewable energy in the State,

F49**[**(iii) increase energy efficiency in the State,**]**

F50**[**(iv) increase climate resilience in the State,

(v) increase the removal of greenhouse gas in the State,

(vi) enhance biodiversity through nature based projects that seek to reduce, or increase the removal of, greenhouse gas emissions or support climate resilience in the State;**]**

(*e*) to support research in relation to—

(i) reducing greenhouse gas emissions in the State,

(ii) increasing the production, or use, of renewable energy in the State,

F49**[**(iii) increasing energy efficiency in the State,**]**

F50**[**(iv) increasing climate resilience in the State,

(v) increasing the removal of greenhouse gas in the State,

(vi) enhancing biodiversity through nature based projects that seek to reduce, or increase the removal of, greenhouse gas emissions or support climate resilience in the State;**]**

(*f*) to support projects and initiatives in regions in the State and within sectors of the economy impacted by the transition to a low carbon economy.

(10) (*a*) Without prejudice to the generality of *subsection (9)*, the Minister, or such other person as he or she may nominate, may invite proposals to avail of moneys from the Climate Action Fund for any or all of the purposes set out in *paragraphs (a)* to *(f)* of *subsection (9)*.

(*b*) An invitation under *paragraph (a)* shall be published on the website of the Department of Communications, Climate Action and Environment and shall outline the criteria to be used to assess proposals.

(11) Any payment of moneys out of the Climate Action Fund under any of *paragraphs (a)* to *(f)* of *subsection (9)* shall be made to the person or persons who carry on, or as the case may be, carried on the project, initiative or research, as the case may be, the principal purpose of which is, in the opinion of the Minister, the particular purpose in respect of which that payment is made.

(12) Without prejudice to the preceding provisions of this section, no payment shall be made out of the Climate Action Fund in respect of a project, initiative or research, as the case may be, where the project, initiative or research is carried on otherwise than in accordance with such guidelines as may be prepared by the Minister, after consultation with the Minister for Public Expenditure and Reform, for that purpose and which are published on the website of the Department of Communications, Climate Action and Environment.

(13) (*a*) The Minister may from time to time pay out of the Climate Action Fund such an amount of moneys as he or she determines for the purpose of defraying, in whole or in part, the expenses incurred on or after the establishment of the Fund, by him or her or by any person to whom functions are delegated under *subsection (3)* in connection with the administration of the Fund.

(*b*) Any amount of moneys paid out of the Climate Action Fund under *paragraph (a)* shall be paid into, or disposed of for the benefit of, the Exchequer in such manner as the Minister, with the consent of the Minister for Public Expenditure and Reform, may determine.

(14) The Minister may establish a committee to advise him or her with respect to the performance by him or her of functions under this section and a committee so established may advise the Minister accordingly.**]**

F51**[**(15) In this section—

"Act of 2015" means the Climate Action and Low Carbon Development Act 2015;

"biodiversity" has the same meaning as in the Act of 2015;

"financial year" means the financial year of the Climate Action Fund;

"greenhouse gas" has the same meaning as in the Act of 2015;

"nature based project" means a solution that is inspired and supported by the process and functioning of nature, which is cost-effective and provides environmental, social and economic benefits and helps to build resilience;

"removal" has the same meaning as in the Act of 2015.**]**

Exemptions from levy.

38.— (1) Subject to *subsection (2)*, no levy is payable in any month by an oil consumer that, throughout the preceding month, held within the State stocks of petroleum products owned by it that equalled or exceeded—

(*a*) 55 times the average volume of those products consumed by it on each day in the preceding calendar year, or

(*b*) such other daily volume as may be prescribed by the Minister for the purpose of securing supplies of oil in accordance with the State's stockholding obligations or with its national requirements.

F52**[**(2) In calculating for the purposes of this section stocks of petroleum products held throughout the preceding month by an oil consumer, the Minister shall not take into account any volume of petroleum products on behalf of the oil consumer under a contract between the oil consumer and another person, unless—

(*a*) the other person is a person mentioned in Article 8(1) of the Council Directive,

(*b*) the contract provides for an agreed volume of petroleum products owned by the oil consumer to be so held by the other person for the purpose of a claim by the oil consumer for exemption from levy under this section,

(*c*) the contract provides for the agreed volume of petroleum products to be available and physically accessible,

(*d*) before the contract was entered into, the contract proposals (within the meaning assigned by *section 62*) were submitted F53**[**to the Minister,**]**

F54**[**(*e*) where the contract provides for the agreed volume of petroleum products to be held outside the State—

(i) the oil consumer and other person have demonstrated that the petroleum products are held in accordance with the provisions of any oil stocks agreement that the State may enter into from time to time and are, whether or not co-mingled with other stocks held by economic operators—

(I) clearly identifiable in terms of location, volume and category of oil product,

(II) subject to inspection, verification and audit, and

(III) available at all times to be released without encumbrance when the oil consumer is called on to do so by the Minister,

and

(ii) the oil consumer reports monthly in respect of those petroleum products in accordance with the National Oil Reserves Agency Act 2007 (Returns and Levy) Regulations 2007 (S.I. No. 567 of 2007)**]**

F55**[**(*f*) the contract provides that where the other person is—

(i) an economic operator which has surplus stocks or available stockholding capacity outside the territory of the State but within the Community,

or

(ii) an economic operator which has surplus stocks or available stockholding capacity within the territory of the State,

the delegation of stockholding obligations to that person under the contract shall—

(I) where *subparagraph (i)* applies—

(A) be authorised in advance by the Minister and by all Member States within whose territories the stocks will be held, and

(B) not be sub-delegated by that other person,

or

(II) where *subparagraph (ii)* applies—

(A) be communicated in advance to the Minister,

and

(B) not be sub-delegated by that other person,

(*g*) the contract provides that any change to, or extension of, the stockholding obligations delegated by the oil consumer under that contract to—

(i) a central stockholding entity, other than the Agency, where—

(I) the central stockholding agency has, before entering into the contract, declared itself willing to hold such stocks, and

(II) the delegation has been authorised in advance by the Minister and by all Member States within whose territories the stocks will be held, or

(ii) an economic operator, where—

(I) the operator has surplus stocks or available stockholding capacity outside the territory of the State but within the Community, and

(II) the delegation has been authorised in advance by the Minister and by all Member States within whose territories the stocks will be held,

will take effect only where such change or extension is authorised in advance by the Minister and by any other Member State which authorised the delegation of the stockholding obligations under that contract,

and

(*h*) the contract provides that any change to, or extension of, the stockholding obligations delegated by the oil consumer under that contract to an economic operator that has surplus stocks or available stockholding capacity within the territory of the State shall be deemed to be a new delegation of those obligations.**]**

(2A) Where an oil consumer proposes to delegate the consumer's stockholding obligation F56**[**to the Agency or to a central stockholding entity other than the Agency,**]** the oil consumer shall notify the Minister at least 170 days prior to the start of the period to which the obligation in question relates in accordance with Article 8(4) of the Council Directive.**]**

(3) An oil consumer that claims exemption from levy under this section shall supply to the Minister, in accordance with and within the time specified in the regulations relating to returns, all information relevant to the exemption claimed.

Volume assessment.

39.— (1) Before the end of each month, the Minister shall notify the Agency of the Minister's assessment of the volume of each category of petroleum products appearing to have been relevantly disposed of in the preceding month by each oil company and oil consumer liable to pay the levy.

(2) The volume assessment is to be based on—

(*a*) the information supplied by the oil company or oil consumer in accordance with the regulations relating to returns, or

(*b*) if that information has not been supplied or if the Minister has reason to believe that information so supplied is inaccurate or incomplete in any material respect, such estimates as appear to the Minister to be reasonable having regard to any other available information.

Calculation of levy.

40.— (1) The Minister shall calculate in accordance with this section the amount of levy payable in respect of a month by each oil company and oil consumer liable to pay the levy on its relevant disposals in the month and shall notify the Agency of that amount.

(2) The amount of levy shall be calculated by reference to—

(*a*) the oil company's or the oil consumer's relevant disposals of petroleum products (including, where appropriate, of each category of petroleum products) in the month as specified in its volume assessment for the month, and

(*b*) F57**[**the rate of levy specified in *section 37(1A)*.**]**

Levy assessment notice.

41.— The Agency shall give each oil company and oil consumer liable to pay the levy in respect of a month a levy assessment notice specifying—

(*a*) the oil company's or oil consumer's relevant disposals of petroleum products as specified in its volume assessment for that month,

(*b*) F58**[**the rate of levy specified in *section 37(1A),*]

(*c*) the amount of the levy payable by it in respect of that month as calculated under *section 40*,

(*d*) the date, determined in accordance with the regulations, on which the levy becomes payable, and

(*e*) where appropriate, any exemption from levy in accordance with *section 38*.

Interest on unpaid amount of assessment.

42.— (1) If all or part of the amount specified in a levy assessment notice is not paid on or before the date specified in the notice as the date on which the amount becomes payable, interest on the unpaid amount accrues at the rate prescribed under *section 44* from that date to the date of payment.

(2) Notwithstanding *subsection (1)*, interest does not accrue on an amount that in a review under *section 44(1)(e)* the Minister determines is not payable.

Recovery of unpaid levy and interest.

43.— The Agency may recover, as a simple contract debt in any court of competent jurisdiction, from the oil company or oil consumer by whom it is payable any amount due and owing to it under this Part in respect of the levy and any interest that has accrued on that amount.

F59**[**Exchange of information

43A.— (1) Notwithstanding any obligation to maintain secrecy or any other restriction on the disclosure or production of taxpayer information obtained by or furnished to the Revenue Commissioners for the purposes of the Acts, the Revenue Commissioners may transfer to the Minister taxpayer information, held by them for those purposes, relating to mineral oil brought into the State and declared to the Revenue Commissioners in accordance with excise law.

F60**[**(2) Taxpayer information transferred to the Minister by the Revenue Commissioners under *subsection (1)* may be used by the Minister in the exercise of his or her powers and functions relating to the administration of the levy or the preparation of the Oil Emergency Plan only and shall not be disclosed by the Minister to any other person for any purpose whatsoever.**]**

(3) Notwithstanding any obligation to maintain secrecy or any other restriction on the disclosure or production of information obtained by or furnished to the Minister, the Minister may transfer to the Revenue Commissioners information, relating to mineral oil brought into the State, furnished to the Minister by oil companies and oil consumers under *section 59* and any regulations made under that section for the purposes of this Act.

(4) Information transferred to the Revenue Commissioners by the Minister under *section (3)* may be used only by the Revenue Commissioners in the exercise of their powers under the Acts and shall not be disclosed by the Revenue Commissioners to any other person for any other purpose whatsoever.

(5) In this section—

"excise law" means the statutes and the instruments made under statute that relate to the duties of excise or the management of those duties;

"mineral oil" has the meaning given to it by section 94 of the Finance Act 1999;

"taxpayer information" has the meaning given to it by section 851A of the Taxes Consolidation Act 1997;

"the Acts" has the meaning given to it by section 1078 of the Taxes Consolidation Act 1997.**]**

Regulations relating to levy.

44.— (1) The Minister may, by regulations, provide for all or any of the following matters relating to the levy:

(*a*) F61**[**...**]**

(*b*) the daily volume of petroleum products to be held by an oil consumer for the purposes referred to in *section 38(1)(b)*;

(*c*) the manner in which levy assessment notices are to be prepared by the Agency;

(*d*) the keeping by oil companies and oil consumers of specified records in respect of matters connected with liability to pay the levy and the specifying of the form in which and the period for which such records are to be kept;

(*e*) the review by the Minister of a levy assessment notice at the request of an oil company or oil consumer that claims that the notice is erroneous;

(*f*) the time within which a request for such review shall be made and the conditions to be satisfied by an oil company or oil consumer before the request can be made;

(*g*) F62**[**...**]**

(*h*) the times at which payment becomes due;

(*i*) the form in which payment is to be made to the Agency by an oil company or oil consumer;

(*j*) the rate of interest on amounts not paid when due;

(*k*) such other matters as are necessary for or incidental to the imposition, payment and collection of the levy.

(2) F63**[**...**]**

(3) F64**[**...**]**

(4) F65[...]

(5) F66[...]

(6) F67[...]

(7) Regulations under *subsection (1)(j)* may prescribe a formula for determining the interest rate by reference to—

(*a*) the prevailing Euro Interbank Offered Rate,

(*b*) an additional rate certified by the F68[Central Bank of Ireland], and

(*c*) such other additional rate as the Minister considers appropriate taking into account the cost of recovering unpaid levy, including any bank charges the Agency may incur in maintaining a bank overdraft to cover a shortfall in funds arising out of unpaid levy.

F69[PART 5A

F70[RENEWABLE TRANSPORT FUEL OBLIGATION]]

F69[Definitions for *Part 5A*.

44A.— (1) In this Part—

F71["F72[advanced] biofuels" mean biofuels that are produced from the feedstock listed in Part A of Annex IX;

"F72[advanced] biofuel obligation" has the meaning assigned by *section 44C*;]

"biofuel" means liquid or gaseous fuel for transport produced from biomass;

F73[...]

F73[...]

F73[...]

F73[...]

F73[...]

F73[...]

F71["biogas" means gaseous fuels produced from biomass;]

"biomass" means the biodegradable fraction of products, waste and residues from biological origin from agriculture (including vegetal and animal substances), forestry and related industries including fisheries and aquaculture, as well as the biodegradable fraction of industrial and municipal waste;

F74["certified", other than in *section 44V*, means certified in accordance with *section 44G*;

"crop cap" has the meaning assigned by *section 44C*;]

"Directive" means F75[Directive (EU) 2018/2001 of the European Parliament and of the Council of 11 December 2018 on the promotion of the use of energy from renewable sources, as amended by Commission Delegated Regulation (EU) 2022/759[3], Directive (EU) 2023/2413[4], Directive (EU) 2024/1405[5] and Directive (EU) 2024/1711[6]];

"expenses" has the meaning assigned by section 36;

F74["high ILUC-risk" has the meaning assigned by *section 44C*;

[3] OJ L 139, 18.5.2022
[4] OJ L 2413, 31.10.2023
[5] OJ L 1711, 26.6.2024
[6] OJ L234/1, 22.9.2023

"high ILUC-risk cap" has the meaning assigned by *section 44C*;**]**

"Member State" means a state which is a member of the European Union and includes states that are parties to the agreement on the European Economic Area signed at Oporto on 2 May 1992, as adjusted by the protocol done at Brussels on 17 March 1993;

"motor vehicle" means a mechanically propelled vehicle which is powered, in whole or in part, by an internal combustion engine and is designed, constructed or modified to be suitable for use on roads;

F71**[**"obligated party" means an oil company or oil consumer, as the case may be, that is subject to the renewable transport fuel obligation under this Part;**]**

"obligation period", in relation to the F72**[**renewable transport fuel obligation**]**, means—

(*a*) in the case of the first obligation period, the period beginning on the day on which *section 44C* comes into operation and ending on 31 December next following that day, and

(*b*) in the case of each subsequent obligation period, the period of 12 months beginning on 1 January and ending on 31 December next following the immediately preceding obligation period;

"period of validity", in relation to a biofuel obligation certificate, has the meaning assigned by *section 44G*;

"petroleum products" has the meaning assigned by *section 36*;

F76**[**"recharging point" and "recharging station" have the same meanings, respectively, as they have in Regulation (EU) 2023/1804 of the European Parliament and of the Council of 13 September 2023[7] on the deployment of alternative fuels infrastructure;**]**

F71**[**"Recycled carbon fuels" means liquid and gaseous fuels that are produced from liquid or solid waste or solid waste streams of non-renewable origin which are not suitable for material recovery in accordance with Article 4 of Directive 2008/98/EC, or from waste processing gas and exhaust gas of non-renewable origin which are produced as an unavoidable and unintentional consequence of the production process in industrial installations;**]**

F73**[**...**]**

"relevant disposal of road transport fuel" means F72**[**the energy content of road transport fuel (calculated in accordance with paragraph (b) of Article 7(4) of the Directive and expressed in megajoules)**]** that in any obligation period—

(*a*) an oil company consumes or disposes of by sale or otherwise to persons in the State, or

(*b*) an oil consumer consumes in the State;

"relevant disposal of petroleum products" has the same meaning as in *Part 5*;

F71**[**"relevant disposal of renewable transport fuel" has the meaning assigned by *section 44N*;

"Renewable Energy Regulations" means the European Union (Renewable Energy) Regulations (2) 2022 (S.I. No. 350 of 2022)

F76**[**"renewable fuels of non-biological origin" means liquid and gaseous fuels used in the transport sector, the energy content of which is derived from renewable sources other than biomass.**]**

F77**[**...**]**

[7] OJ L234/1, 22.9.2023

F75["renewable transport fuel" means liquid or gaseous fuel (including biofuels, biogas, recycled carbon fuels, advanced biofuels and renewable fuels of non-biological origin) used in the transport sector.]

"renewable transport fuel levy assessment notice" means a notice given under *section 44Q*;

"renewable transport fuel obligation" has the meaning assigned by *section 44C*;

"renewable transport fuel obligation account" means an account held under *section 44E* by an obligated party, renewable transport fuel producer or renewable transport fuel supplier and references to "renewable transport fuel obligation account holder" shall be construed accordingly;

"renewable transport fuel obligation certificate" means a certificate issued under *section 44G* to a renewable transport fuel obligation account holder;

"renewable transport fuel producer" means a person who produces renewable transport fuel for his or her own use or for sale;

"renewable transport fuel supplier" means a person who supplies renewable transport fuel;]

F78["reporting period", in respect of each obligation period, means a period of 3 consecutive months beginning on 1 January, 1 April, 1 July and 1 October;]

"road transport fuel" means any liquid or gaseous fuel which may be used to power, in whole or in part, a motor vehicle whether or not it may also be used for any other purpose;

"volume assessment" means an assessment under *section 44O* of relevant disposals of biofuel.

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

F81[Conversion factors.

44B.— F82[...]]

F83[Renewable transport fuel obligation.

44C.— (1) This section applies to relevant disposals of road transport fuel in respect of which, in the obligation period concerned, an oil company or an oil consumer, as the case may be, is liable to pay the levy—

(*a*) whether or not the levy has been paid, and

(*b*) in the case of an oil consumer, whether or not the oil consumer is exempt from, or has claimed an exemption from, the levy in accordance with *section 38*.

(2) Every oil company and oil consumer liable to pay the levy (in this Part referred to as an "obligated party") is required to ensure that in each obligation period not less than a specified amount of its relevant disposal of road transport fuel to which this section applies is renewable transport fuel (in this Part referred to as the "renewable transport fuel obligation").

F84[(3) The specified amount referred to in *subsection (2)* shall be expressed in megajoules and shall amount to no less than the applicable percentage, specified in *section 44D* for the obligation period concerned, of the total relevant disposal of road transport fuel concerned, and such specified amount shall include certified disposals of—

F85[(*a*) advanced biofuels and biogas and renewable fuels of non-biological origin that, in total, amount to no less than the applicable percentage, specified in *section 44D*, of the total relevant disposal of road transport fuel concerned (in this Part referred to as the "advanced biofuel and renewable fuels of non-biological origin obligation"),]

(*b*) biofuels and biogas produced from food and feed crops that, in total, amount to no greater than the applicable percentage, specified in *section 44D*, of the total relevant disposal of the road transport fuel concerned (in this Part referred to as the "crop cap"), and

(*c*) biofuels and biogas produced from high indirect land-use change-risk (in this Part referred to as "high ILUC-risk") feedstock that, in total, amount to no greater than the applicable percentage, specified in *section 44D*, of the total relevant disposal of the road transport fuel concerned (in this Part referred to as the "high ILUC-risk cap").**]**

F86**[**(3A) Renewable fuels of non-biological origin that are used as intermediate products for the production of conventional transport fuels and for the production of biofuels may be considered to be renewable liquid and gaseous transport fuels of non-biological origin for the purpose of *subsection (3)(a)*, provided that the greenhouse gas emissions reduction achieved by the use of renewable fuels of non-biological origin is not counted in the calculation, set out in Schedule 3 of the Renewable Energy Regulations, of the greenhouse gas emission savings of the biofuels.**]**

(4) F87**[**...**]**

(5) F87**[**...**]]**

F88**[**Rate of renewable transport fuel obligation, advanced biofuel and renewable fuels of non-biological origin obligation, crop cap and high ILUC-risk biofuel.

44D.— The percentage rate that applies for the obligation period beginning on 1 January 2026 and ending on 31 December 2026 shall –

(*a*) in respect of the renewable transport fuel obligation, be 32 per cent,

(*b*) in respect of the advanced biofuel and renewable fuels of non-biological origin obligation, be 5 per cent,

(*c*) in respect of the crop cap, be 3 per cent, and

(*d*) in respect of the high ILUC-risk cap, be 60 per cent of the total certified disposal of biofuels and biogas produced from high ILUC-risk feedstock that were, during the period beginning on 1 January 2019 and ending on 31 December 2019, supplied by a renewable transport fuel obligation account holder.**]**

F89**[**Prohibition on certification of supply of certain biofuels and biogas

44DA.— (1) Subject to *subsection (2)*, a renewable transport fuel obligation account holder shall not, during the period beginning on 31 December 2023 and ending on 31 December 2030, be awarded a certificate under *section 44G* in respect of any supply by that account holder of biofuels and biogas produced from high ILUC-risk feedstock.

(2) Where a renewable transport fuel obligation account holder supplied, during the period beginning on 1 January 2019 and ending on 31 December 2019, certified biofuels and biogas produced from high ILUC-risk feedstock, that account holder may be awarded a certificate in accordance with *section 44G* in respect of supply during a relevant period by it of such biofuels and biogas that amounts, in total, to no greater than 90 per cent of the total supply of such biofuels and biogas by it during the period beginning on 1 January 2019 and ending on 31 December 2019.

(3) In this section, "relevant period" means—

(*a*) the period beginning on 31 December 2023 and ending on 31 December 2024, and

(*b*) each period of 12 months thereafter that occurs during the period beginning on 1 January 2025 and ending on 31 December 2030.**]**

F90**[**F91**[**Renewable transport fuel obligation account.**]**

44E.— (1) The Agency shall, in respect of each obligated party, open an account (in this Part referred to as a "F91**[**renewable transport fuel**]** obligation account") within—

(*a*) 21 days after the coming into operation of this section, or

(*b*) 21 days after the oil company or oil consumer concerned first becomes liable to pay the levy,

whichever is the earlier.

(2) The following matters shall be recorded in a F91**[**renewable transport fuel**]** obligation account:

(*a*) the balance of F91**[**renewable transport fuel**]** obligation certificates held to the credit of the account;

(*b*) the issuing, transfer, cancellation and revocation of F91**[**renewable transport fuel**]** obligation certificates;

(*c*) such other information as the Agency determines relating to the administration of the F91**[**renewable transport fuel**]** obligation.

(3) The Agency may, in accordance with this section and any regulations made under it, open a F91**[**renewable transport fuel**]** obligation account on application to the Agency by a F91**[**renewable transport fuel**]** producer or F91**[**renewable transport fuel**]** supplier who is not an obligated party.

(4) An application under *subsection (3)* by a F91**[**renewable transport fuel**]** producer or F91**[**renewable transport fuel**]** supplier (in this section referred to as the "applicant") to open a F91**[**renewable transport fuel**]** obligation account shall be in the prescribed form and shall include—

(*a*) a current tax clearance certificate,

(*b*) such information, particulars and documentation as the Agency may reasonably require in order to be satisfied that the applicant is a F91**[**renewable transport fuel**]** producer or a F91**[**renewable transport fuel**]** supplier, and

(*c*) such other information, particulars and documentation as may be prescribed.

(5) The Agency may request an applicant to give to the Agency—

(*a*) such additional information, particulars and documentation as the Agency determines for the purposes of an application under *subsection (3)*, and

(*b*) such evidence as the Agency may reasonably require in order to verify any information, particulars or documentation given to the Agency in respect of an application under *subsection (3)*.

(6) A request under *subsection (5)* shall be in such form as the Agency determines and shall specify a period of not less than 21 days from the date of the request within which such information, particulars, documentation or evidence, as the case may be, shall be given to the Agency.

(7) When making an application under *subsection (3)*, without prejudice to any other powers which the Agency may have in that behalf, the applicant shall give consent to the Agency in the prescribed form allowing the Agency or an authorised officer of the Agency such access to premises (within the meaning of *section 45*), documents, books, records, computers and equipment as the Agency may reasonably require in order to verify the information, particulars and documentation given in the application or any additional information, particulars or documentation or evidence given under this section.

(8) The Agency may refuse to grant an application under *subsection (3)* to open a F91**[**renewable transport fuel**]** obligation account where—

(*a*) the Agency is not satisfied that the applicant is a F91**[**renewable transport fuel**]** producer or F91**[**renewable transport fuel**]** supplier, as the case may be,

(*b*) the application is incomplete,

(*c*) the applicant fails to give any additional information, particulars or documentation or evidence within the period specified in a request made under *subsection (5)*,

(*d*) the applicant fails to give the consent referred to in *subsection (7)*,

(*e*) the Agency is of the opinion that any of the information, particulars or documentation given in the application or any additional information, particulars or documentation or evidence given under this section is incorrect, or

(*f*) the applicant is already a F91**[**renewable transport fuel**]** obligation account holder.

(9) If the Agency proposes to refuse an application under *subsection (3)*, it shall give the applicant a notice in such form as the Agency determines—

(*a*) specifying the grounds on which it is proposed to refuse the application, and

(*b*) informing the applicant that he or she may, within 21 days from the date of the notice, make representations in writing to the Agency—

(i) showing why the application should be granted, or

(ii) rectifying the information, particulars or documentation given in the application or any additional information, particulars or documentation or evidence given under this section,

or both.

(10) Not later than 21 days from the date of the notice under *subsection (9)*, the applicant may make representations in writing to the Agency—

(*a*) showing why the application should be granted, or

(*b*) rectifying the information, particulars or documentation given in the application or any additional information, particulars or documentation or evidence given under this section,

or both.

(11) The Agency may refuse an application under *subsection (3)* only after having considered any representations made by the applicant in accordance with *subsection (10)*.

(12) If the Agency refuses an application under *subsection (3)*, it shall, as soon as is reasonably practicable, give to the applicant notice of the refusal in such form as the Agency determines and the notice shall include a statement setting out the reasons for the refusal.

(13) (*a*) An applicant aggrieved by a decision of the Agency under *subsection (11)* refusing an application under *subsection (3)* may, within 21 days beginning on the day on which the notice under *subsection (12)* is given to the applicant, appeal to the Minister against the decision by giving to the Minister a notice of appeal in writing stating—

(i) the name and address of the applicant,

(ii) a statement of the principal grounds for contesting the decision of the Agency and the arguments supporting those grounds, and

(iii) a schedule listing all the documents annexed to the notice of appeal.

(*b*) An applicant shall give a copy of the notice of appeal referred to in *paragraph (a)* to the Agency.

(*c*) The Minister shall consider the appeal in accordance with the prescribed procedures and, as the Minister sees fit, cancel or confirm the notice of refusal.

(*d*) The Minister shall notify the applicant and the Agency in writing of his or her decision and the reasons for the decision as soon as is reasonably practicable.

(*e*) A decision of the Minister on an appeal under this section shall be final and binding on the applicant and the Agency.

(14) The Minister may make regulations for the purposes of this section providing for all or any of the following:

(*a*) the form in which an application under *subsection (3)* shall be made, including by electronic means;

(*b*) the information, particulars and documentation to be included in an application under *subsection (3)*;

(*c*) the form and content of the consent to be given by the applicant under subsection (7) for the purposes of an application under *subsection (3)*;

(*d*) the procedures to be followed for the purposes of an appeal to the Minister under *subsection (13)*;

(*e*) such other matters as the Minister considers necessary and appropriate relating to an application under *subsection (3)* or an appeal to the Minister under *subsection (13)*.

(15) A person commits an offence where he or she gives information under this section or any regulations made under it and he or she—

(*a*) knowingly makes any statement or representation (whether written or verbal) which is to his or her knowledge false or misleading in any material respect, or

(*b*) knowingly conceals any material fact, or

(*c*) produces or furnishes, or causes or knowingly allows to be produced or furnished, any information, particulars, documentation or evidence which he or she knows to be false in a material particular.

(16) In this section "tax clearance certificate" means a certificate under section 1095 (as substituted by section 127(*b*) of the Finance Act 2002) of the Taxes Consolidation Act 1997.**]**

F92**[**F93**[**Management of renewable transport fuel accounts.**]**

44F.— (1) On opening a F93**[**renewable transport fuel**]** obligation account under *section 44E(1)* or on granting an application under *section 44E(3)* to open a F93**[**renewable transport fuel**]** obligation account, the Agency shall issue the F93**[**renewable transport fuel**]** obligation account holder with an account number in respect of the F93**[**renewable transport fuel**]** obligation account concerned.

(2) F93**[**Renewable transport fuel**]** obligation accounts shall be opened and maintained in electronic form or in such other form as the Agency determines or in both forms and in accordance with such procedures as the Agency determines for the purposes of, but not necessarily limited to—

(*a*) the opening, maintenance and closure of accounts, and

(*b*) the issuing, transfer, cancellation and revocation of F93**[**renewable transport fuel**]** obligation certificates and any other functions of the Agency under this Act relating to the administration of the F93**[**renewable transport fuel**]** obligation.**]**

F94**[**F95**[**Renewable transport fuel obligation certificates.**]**

44G.— (1) The Agency shall, on application to it by a F95**[**renewable transport fuel**]** obligation account holder, subject to compliance with this section and any regulations made under it, in respect of each F95**[**megajoule**]** of F95**[**renewable transport fuel**]** disposed of by sale or otherwise in the State by the F95**[**renewable transport fuel**]** obligation account holder during the F96**[**reporting period**]** concerned, issue—

F95**[**(*a*) 2 certificates in the case of such renewable transport fuel listed in Annex IX of the Directive, or whereby the Agency may from time to time determine in accordance with this section are so F97**[**eligible,**]**

(*b*) one certificate in the case of all other renewable transport F97**[**fuel, and**]]**

F98**[**(*c*) such additional certificates as the Minister may provide for by regulations made under *subsection (1B).***]**

F99**[**(1A) The Minister may make regulations setting out the amount of certificates applicable under *44G(1)* to certain other renewable transport fuels which the Minister may specify, according to a hierarchy of use, which the Minister may from time to time review and amend.**]**

F100**[**(1AA) The Agency shall, on application to it by a renewable transport fuel obligation account holder, subject to compliance with this section and any regulations made under it, in respect of each megajoule of renewable electricity supplied at publicly accessible recharging stations in the State by the renewable transport fuel account holder who is the operator of the recharging point, issue 4 certificates to that account holder,**]**

F98**[**(1B) (*a*) The Minister for Transport may, from time to time, make regulations providing for the Agency to issue, in accordance with this section and notwithstanding *subsection (1)*, on such terms and conditions as the Minister for Transport may specify, additional certificates in respect of renewable transport fuel.

(*b*) Without prejudice to the generality of *paragraph (a)*, regulations under that paragraph may:

(i) specify a particular renewable transport fuel in respect of which an additional certificate or certificates may be issued by the Agency, and the number of certificates that may be issued, in respect of the renewable transport fuel concerned;

(ii) to encourage renewable transport fuel obligation account holders to supply a particular renewable transport fuel for use in economic or transport sectors within the State specified in the regulations or for specific purposes or means of transport, provide that additional certificates may be issued where that renewable transport fuel is used within any of those sectors or for those specific purposes or means of transport.

(*c*) Before making regulations under this subsection, the Minister for Transport shall—

(i) consult with—

(I) the Minister for Finance,

(II) the Minister for Public Expenditure and Reform,

(III) the Minister for the Environment, Climate and Communications,

(IV) the Agency,

(V) the Environmental Protection Agency,

(VI) the National Standards Authority of Ireland, and

(VII) Sustainable Energy Ireland — The Sustainable Energy Authority of Ireland,

and may consult with such other persons as he or she considers appropriate, and

(ii) publish, following consultation in accordance with *subparagraph (i)*, on the website of the Department of Transport and by any other means as he or she considers appropriate, a draft of the proposed regulations inviting persons to make representations in writing to the

Minister for Transport in relation to the proposed regulations within 28 days from the date of publication and consider any representations made to him or her.

(*d*) The Minister for Transport may, having considered any representations made to him or her under *paragraph (c)(ii)*, make the regulations with or without modification.

(*e*) When making regulations under this subsection, the Minister for Transport shall have regard to the following:

(i) the effect of such regulations on fuel prices in the State;

(ii) the information submitted by the State to the European Commission pursuant to Article 30(3) of the Directive;

(iii) the integrated national energy and climate plans and corresponding progress reports submitted by the State to the European Commission pursuant to Articles 3, 17 and 20 of Regulation (EU) 2018/1999 of the European Parliament and of the Council of 11 December 2018[1] on the Governance of the Energy Union and Climate Action;

(iv) carbon budgets prepared and approved under sections 6A and 6B respectively of the Climate Action and Low Carbon Development Act 2015 and sectoral emissions ceilings prepared and approved under section 6C of that Act,

and may have regard to such other matters as he or she considers appropriate relating to the effects, if any, of increased consumption of renewable transport fuel in the State on economic activities in the State and on the environment.**]**

(2) An application for a F95**[**renewable transport fuel**]** obligation certificate shall be made in the prescribed form and shall include the prescribed information, particulars and documentation.

F101**[**(2A) (*a*) The Agency shall, in respect of each reporting period, make a determination specifying the closing date for the submission to it of applications for F95**[**renewable transport fuel**]** obligation certificates.

(*b*) The Agency shall publish a determination under *paragraph (a)* on its website as soon as is practicable after the date of its making.**]**

F102**[**(2B) (1) In respect of feedstocks which were previously determined eligible for two certificates per litre prior to the enactment of the Regulations of 2022, which are not explicitly listed in Annex IX, and for which revised determinations under *44G (11)* are required —

(*a*) The Agency shall make determinations, in accordance with the provisions of *44G(11)*, as soon as reasonably practicable following enactment of these Regulations;

(*b*) Following completion of the determinations at *subsection (1)(a)*, the Agency shall publish a notice on its website of the revised determinations;

(*c*) The determinations made by the Agency under *subsection (1)(a)* shall come into effect for applications made under *44G (1)* for the obligation period commencing 1 January 2023.**]**

F103**[**(3) An application for a F95**[**renewable transport fuel**]** obligation certificate may be made at any time during the reporting period in which the F95**[**renewable transport fuel**]** was disposed of as referred to in *subsection (1)* but in any case not later than the closing date specified in respect of the reporting period concerned in a determination made under *subsection (2A)*.**]]**

F104**[**(4) An application for a F95**[**renewable transport fuel**]** obligation certificate shall include a statement by the F95**[**renewable transport fuel**]** obligation account

[1] OJ No. L 328, 21.12.2018, p. 1

holder concerned, in the prescribed form and including the prescribed information, particulars and documentation, that he or she has complied with—

F95**[**(*a*) the sustainability and greenhouse gas emission savings criteria for renewable transport fuels set out in Schedule 3 to the Renewable Energy Regulations, and as provided for under Article 28(5) of the Directive, and

(*b*) any requirements for verification of compliance with those sustainability and greenhouse gas emissions savings criteria in accordance with the Renewable Energy Regulations and the European Union (Biofuel Sustainability Criteria) Regulations 2012 (S.I. No. 33 of 2012).**]]**

F94**[**(5) An application for a F95**[**renewable transport fuel**]** obligation certificate shall include a declaration in the prescribed form by the F95**[**renewable transport fuel**]** obligation account holder—

(*a*) that the information, particulars and documentation included in the application are to the best of his or her knowledge and belief accurate and true,

(*b*) that the F95**[**renewable transport fuel**]** the subject of the application meets such minimum standards in relation to the F95**[**renewable transport fuel**]** concerned as the Minister may prescribe under *section 44X*, and

(*c*) that the F95**[**renewable transport fuel**]** the subject of the application has not previously been counted towards the discharge of a renewable energy obligation applying in any Member State, including the State.

(6) It shall be a condition of a F95**[**renewable transport fuel**]** obligation certificate issued under this section that the F95**[**renewable transport fuel**]** obligation account holder to whom the certificate issued complies with *section 44L* in respect of the cancellation of certificates.

(7) The Agency shall not issue a F95**[**renewable transport fuel**]** obligation certificate under this section unless the F95**[**renewable transport fuel**]** obligation account holder has paid any amount due and owing under this Part to the Agency in respect of any liability arising in respect of the buy-out charge under *section 44J* or the F95**[**renewable transport fuel**]** levy, as the case may be.

(8) The Minister may make regulations for the purposes of this section providing for all or any of the following:

(*a*) the form in which an application for a F95**[**renewable transport fuel**]** obligation certificate shall be made, including by electronic means, as appropriate;

(*b*) the information, particulars and documentation to be included in an application for a F95**[**renewable transport fuel**]** obligation certificate including, but not necessarily limited to, the type, nature and quantity of F95**[**renewable transport fuel**]** the subject of the application;

(*c*) the form and content of the statement to be made for the purposes of *subsection (4)* and the information, particulars and documentation to be included in that statement for those purposes;

(*d*) the form and content of the declaration to be made for the purposes of *subsection (5)*.

(9) For the purposes of this section, the Agency issues a F95**[**renewable transport fuel**]** obligation certificate to a F95**[**renewable transport fuel**]** obligation account holder by recording the credit of a certificate to the F95**[**renewable transport fuel**]** obligation account concerned.

(10) A F95**[**renewable transport fuel**]** obligation certificate shall be valid for the aggregate of the period (in this Part referred to as the "period of validity")—

(*a*) beginning on the first day of the obligation period in which the F95**[**renewable transport fuel**]** was disposed of as referred to in *subsection (1)* to the end of that obligation period, and

(*b*) the 2 years immediately following the end of that obligation period.

(11) F95**[**(*a*) The Agency may make a determination with regard to certain feedstocks listed in Annex IX Part A, specifically (b)-(d) and (p)-(q) inclusive, for the purposes of *subsection (1)(a)*, in which case the Agency shall consult with the persons specified in *paragraph (b)* and may consult with such other persons as it considers appropriate in order to satisfy itself that the material used to produce the renewable transport fuel concerned falls within Annex IX Part A of the Directive, unless the Commission has previously provided such clarification concerning the feedstock.**]**

(*b*) For the purposes of *paragraph (a)*, the Agency shall consult with—

(i) the National Standards Authority of Ireland,

(ii) Sustainable Energy Ireland — The Sustainable Energy Authority of Ireland,

(iii) the Environmental Protection Agency, and

(iv) F105**[**the Minister for Transport, Tourism and Sport.**]**

(12) Where, following consultation under *subsection (11)*, the Agency is satisfied for the purpose specified in *paragraph (a)* of *subsection (11)*, the Agency shall publish a draft of the proposed determination on its website and by such other means as the Agency considers appropriate inviting persons to make representations in writing to the Agency in relation to the proposed determination within 28 days from the date of publication on its website.

(13) The Agency, having considered any representations made under *subsection (12)*, shall publish a notice of its determination in the *Iris Oifigiúil* and on its website and by such other means as the Agency considers appropriate.

(14) The Agency shall keep and maintain a list of F95**[**renewable transport fuels**]** in respect of which a determination is made for the purposes of *subsection (1)(a)* and shall publish the list on its website and by such other means as the Agency considers appropriate.

(15) A person commits an offence where he or she gives information under this section or any regulations made under it and he or she—

(*a*) knowingly makes any statement or representation (whether written or verbal) which is to his or her knowledge false or misleading in any material respect, or

(*b*) knowingly conceals any material fact, or

(*c*) produces or furnishes, or causes or knowingly allows to be produced or furnished, any information, particulars or documentation which he or she knows to be false in a material particular.**]**

F107**[**Obligation to include minimum percentage volume of renewable transport fuel

44GA.— (1) The Minister for Transport may, from time to time, and with the consent of the Minister for Finance and the Minister for Public Expenditure and Reform, make regulations specifying a particular petroleum product in respect of which the Minister for Transport may prescribe a minimum percentage volume of renewable transport fuel specified by the regulations required to be included in that product so that it may be disposed of by sale or otherwise in the State by a renewable transport fuel obligation account holder.

(2) Before making regulations under this section, the Minister for Transport shall—

(*a*) consult with—

(i) the Minister for the Environment, Climate and Communications,

(ii) the Agency,

(iii) the Environmental Protection Agency,

(iv) the National Standards Authority of Ireland, and

(v) Sustainable Energy Ireland — The Sustainable Energy Authority of Ireland,

and may consult with such other persons as he or she considers appropriate,

(*b*) publish following consultation in accordance with *paragraph (a)*, on the website of the Department of Transport and by any other means as he or she considers appropriate, a draft of the proposed regulations inviting persons to make representations in writing to the Minister for Transport in relation to the proposed regulations within 28 days from the date of publication and consider any representations made to him or her.

(3) The Minister for Transport may, having considered any representations made to him or her under *subsection (2)(b)*, make the regulations with or without modification.

(4) When making regulations under this subsection, the Minister for Transport shall have regard to the following:

(*a*) the effect of such regulations on fuel prices in the State;

(*b*) the information submitted by the State to the European Commission pursuant to Article 30(3) of the Directive;

(*c*) the integrated national energy and climate plans and corresponding progress reports submitted by the State to the European Commission pursuant to Articles 3, 17 and 20 of Regulation (EU) 2018/1999 of the European Parliament and of the Council of 11 December 2018[2] on the Governance of the Energy Union and Climate Action;

(*d*) carbon budgets prepared and approved under sections 6A and 6B respectively of the Climate Action and Low Carbon Development Act 2015 and sectoral emissions ceilings prepared and approved under section 6C of that Act, and may have regard to such other matters as he or she considers appropriate relating to the effects, if any, of increased consumption of renewable transport fuel in the State on economic activities in the State and on the environment.**]**

F108**[**Statement of account.

44H.— F109**[**(1) The Agency shall give to each F110**[**renewable transport fuel**]** obligation account holder, not later than the date specified in respect of the reporting period concerned in a determination made under *subsection (3A)*, a statement in such form as the Agency determines specifying—

(*a*) the number of F110**[**renewable transport fuel**]** obligation certificates (if any) held to the credit of the F110**[**renewable transport fuel**]** obligation account concerned on the date of the statement,

(*b*) the date of each such certificate, and

(*c*) such other particulars relating to each such certificate as the Agency determines.**]**

(2) F111**[**...**]**

(3) The Agency shall, as soon as is reasonably practicable, on receipt of a request in writing from a F110**[**renewable transport fuel**]** obligation account holder, issue a statement in such form as the Agency determines specifying the number of F110**[**renewable transport fuel**]** obligation certificates (if any) held to the credit of that account holder's F110**[**renewable transport fuel**]** obligation account and the date of each such certificate.**]**

F112**[**(3A) (*a*) The Agency shall, in respect of each reporting period, make a determination specifying the date by which it shall issue—

(i) a statement referred to in *subsection (1)*, and

(ii) a statement referred to in *subsection (3)*.

(*b*) The Agency shall publish a determination under *paragraph (a)* on its website as soon as is practicable after the date of its making.**]**

[2] OJ No. L 328, 21.12.2018, p. 1

F113**[**F114**[**
Compliance with renewable transport fuel obligation.**]**

44I.— F114**[**(1) The Agency shall notify each obligated party in such form as the Agency determines within 60 days after the end of the obligation period concerned of—

(*a*) the renewable transport fuel obligation relating to the obligated party for that period,

(*b*) the F115**[**advanced biofuel and renewable fuels of non-biological origin obligation**]** relating to the obligated party for that period

(*c*) the renewable transport fuel obligation certificates (if any) held against the renewable transport fuel obligation account concerning *(a)* and *(b)* above which may be counted towards the discharge of the renewable transport fuel obligation, and F115**[**advanced biofuel and renewable fuels of non-biological origin obligation**]** respectively for that period.

(*d*) the renewable transport fuel obligation certificates (if any) held that may be counted towards the contributions specified in *44C(4)(b)* and *(c)*.

(2) For the purposes of *subsection (1)(c)*, each certificate shall have a value equivalent to one megajoule of the specified amount calculated in accordance with *section 44C(3)* for the purpose of determining the renewable transport fuel obligation.**]**

F116**[**(2A) At the end of the 2022 obligation period, the Agency may carry out a calculation as it sees fit and determine the conversion rate applied to certificates expressed in litres held for the 2022 period and the previous periods into certificates expressed in megajoules, for the purposes of determining certificates pursuant to *subsection (6)(c)*.**]**

(3) Within F117**[**75 days**]** after the date of the notification under *subsection (1)*, each obligated party shall, for the purpose of discharging the F114**[**renewable transport fuel**]** obligation, notify the Agency in such form as the Agency determines specifying by reference to such particulars as the Agency determines the F114**[**renewable transport fuel**]** obligation certificates held to the credit of the F114**[**renewable transport fuel**]** obligation account concerned which are to be counted towards the discharge of the F114**[**renewable transport fuel**]** obligation notified under *subsection (1)*.

(4) Where an obligated party fails to notify the Agency within the period specified in *subsection (3)* of the number of F114**[**renewable transport fuel**]** obligation certificates to be so counted, the Agency shall determine which certificates held to the credit of the F114**[**renewable transport fuel**]** obligation account concerned are to be so counted in the date order according to which those certificates were issued and shall notify the obligated party accordingly in such form as the Agency determines as soon as is reasonably practicable.

(5) For the purposes of this section, the discharge of the F114**[**renewable transport fuel**]** obligation notified under *subsection (1)* shall be effected by recording a debit in the F114**[**renewable transport fuel**]** obligation account concerned of the F114**[**renewable transport fuel**]** obligation certificates to be counted under *subsection (3)* or *(4)*, as appropriate, towards the discharge of the F114**[**renewable transport fuel**]** obligation so notified.

(6) (*a*) F118**[**Subject to *paragraphs (b)* and *(c)***]** a F114**[**renewable transport fuel**]** obligation certificate, the period of validity of which has not expired, may be counted towards the discharge of the F114**[**renewable transport fuel**]** obligation notified under *subsection (1)* of the obligated party to whose F114**[**renewable transport fuel**]** obligation account the certificate is credited for any obligation period subsequent to the obligation period in respect of which the certificate issued.

(*b*) F119**[**For obligation periods beginning before 1 January 2020, a F114**[**renewable transport fuel**]** obligation certificate referred to in *paragraph (a)***]** may not be counted towards the discharge of more than 25 per cent of the amount of the F114**[**renewable transport fuel**]** obligation notified to the obligated party under *subsection (1)* in respect of that subsequent obligation period.

F114[(*c*)For obligation periods beginning on or after 1 January 2020, a certificate referred to in paragraph (a) and (b) may not be counted towards the discharge of more than 15 per cent of the amount of the obligation notified to the obligated party under subsection (1) in respect of that subsequent obligation period.]

F120[(*d*) for obligation periods beginning on or after 1 January 2023, the Minister may also make regulations to specify a percentage (lower than 15 per cent) amount of certificates which may be counted against that obligation period, when considering the amount of buyout price for discharge of the obligations by payment under *Section 44J (5)* under this Part.

(*e*) for the purpose of this section, certificates in respect of the F115[advanced biofuel and renewable fuels of non-biological origin obligation] are not interchangeable with certificates in respect of the renewable transport fuel obligation.]

(7) A F114[renewable transport fuel] obligation certificate held to the credit of a F114[renewable transport fuel] obligation account may not be counted towards the discharge of the F114[renewable transport fuel] obligation notified under *subsection (1)* in respect of any obligation period which is prior to the period of validity of the certificate concerned.]

F122[F123[Discharge of renewable transport fuel obligation or advanced biofuel obligation by payment.]

44J.— (1) Where the F124[renewable transport fuel obligation or advanced biofuel and renewable fuels of non-biological origin obligation] notified under *subsection (1)* of *section 44I* is not discharged, in whole or in part, in respect of the obligated party concerned, in accordance with, and in the period specified in, *subsection (3)* of that section, or, as the case may be, under *subsection (4)* of that section, the obligated party shall pay to the Agency an amount in respect of the shortfall (in this section referred to as the "buy-out charge") calculated in accordance with the formula—

$$X \times Y$$

where—

X is the amount of the F124[renewable transport fuel obligation or advanced biofuel and renewable fuels of non-biological origin obligation] notified under *section 44I(1)* which remains undischarged, and

Y is the price per F123[megajoule] of F123[renewable transport fuel] prescribed in accordance with this section (in this section referred to as the "buy-out price").

(2) For the purposes of *subsection (1)*, the Agency shall give a notice in such form as the Agency determines to the obligated party concerned within F125[14 days] after the end of the period specified in *section 44I(3)*, stating—

(*a*) the amount of the F124[renewable transport fuel obligation or advanced biofuel and-renewable fuels of non-biological origin obligation] notified under *section 44I(1)* which remains undischarged, whether in whole or in part,

F124[(*b*) the amount of the buy-out charge in respect of the amount of the renewable transport fuel obligation or advanced biofuel and renewable fuels of non-biological origin obligation which remains undischarged,]

(*c*) the date by which the buy-out charge is to be paid, which date shall not be less than F125[14 days] from the date of the notice, and

(*d*) the consequences of non-payment of the buy-out charge in accordance with this section, including recovery of the amount as a simple contract debt, the incurring of interest on the amount and the payment of a late discharge fee.

(3) If all or any part of the buy-out charge notified under *subsection (2)* is not paid on or before the date specified in the notice as the date by which the buy-out

charge is to be paid, interest on the unpaid amount accrues at the rate prescribed under this section from that date to the date of payment.

(4) The Agency may recover, as a simple contract debt in any court of competent jurisdiction, from the obligated party by whom it is payable, any amount due and owing to it under this section in respect of the buy-out charge and any interest that has accrued on that amount.

(5) The Minister may make regulations providing for all or any of the following matters:

(*a*) subject to *subsection (7)* and having considered any representations made under *paragraph (a)(ii)* of that subsection and subject to the prior consent of the Minister for Finance, the amount of the buy-out price, or any variation of that amount from time to time, having regard to—

(i) the market prices for road transport fuel and the effect of the level of the buy-out price on those market prices,

(ii) the wholesale availability and market prices for F123**[**renewable transport fuel**]**, and

F123**[**(iii) the level of the buy-out price required in order for the renewable transport fuel obligation or F124**[**advanced biofuel and renewable fuels of non-biological origin obligation**]** to operate effectively;**]**

(*b*) subject to *section 44V*, the rate of interest on amounts of buy-out charge not paid when due;

(*c*) the amount of the late discharge fee F123**[**,**]**

F126**[**(*d*) the provisions and conditions specified in *subsection (5)* of this section, concerning a buy-out price relating to the renewable transport fuel obligation, and a separate amount of buy-out price with respect to the F124**[**advanced biofuel and renewable fuels of non-biological origin obligation**]**.**]**

(6) Any moneys received by the Agency under this section shall be paid to the Exchequer.

(7) (*a*) Before making any regulations providing for the amount of the buy-out price, or any variation of that amount from time to time, the Minister—

(i) shall consult with the persons specified in *paragraph (b)* and may consult with such other persons as he or she considers appropriate, and

(ii) following consultation under *subparagraph (i)*, shall F123**[**publish a draft of the proposed regulations**]**.

F127**[**(*b*) For the purposes of *paragraph (a)*, the Minister shall consult with—

(i) the Minister for Finance,

(ii) the Minister for Public Expenditure and Reform,

(iii) the Minister for the Environment, Climate and Communications,

(iv) the Agency,

(v) the Environmental Protection Agency,

(vi) the National Standards Authority of Ireland, and

(vii) Sustainable Energy Ireland — The Sustainable Energy Authority of Ireland.**]]**

F128[Transfer of F129[renewable transport fuel] obligation certificates.

44K.— (1) F129[Renewable transport fuel] obligation certificates may be transferred from the F129[renewable transport fuel] obligation account holder to whose account the certificates are credited to another F129[renewable transport fuel] obligation account holder, subject to this section and any regulations made under it.

(2) Where a F129[renewable transport fuel] obligation account holder proposes to transfer F129[renewable transport fuel] obligation certificates to another F129[renewable transport fuel] obligation account holder, he or she shall give notice to the Agency in such form as the Agency determines of—

(*a*) the name and account number of the F129[renewable transport fuel] obligation account holder who proposes to transfer F129[renewable transport fuel] obligation certificates (in this section referred to as the "transferor"),

(*b*) the name and account number of the F129[renewable transport fuel] obligation account holder to whom it is proposed to transfer the F129[renewable transport fuel] obligation certificates (in this section referred to as the "transferee"),

(*c*) the number and date of each F129[renewable transport fuel] obligation certificate concerned,

(*d*) the proposed date of the transfer, and

(*e*) such other matters as the Agency may determine.

F130[(2A) In order to count F129[renewable transport fuel] obligation certificates against the discharge of a F129[renewable transport fuel] obligation for any obligated period, the notice of transfer for those certificates must be submitted to the Agency within 81 days after the end of the obligation period concerned.]

(3) The Minister, following consultation with the Agency, may make regulations providing for—

(*a*) the conditions subject to which a transfer may be effected under this section, including the minimum and maximum number of F129[renewable transport fuel] obligation certificates which may be transferred by any F129[renewable transport fuel] obligation account holder during any obligation period, and

(*b*) such other matters relating to the transfer of F129[renewable transport fuel] obligation certificates as the Minister considers appropriate.

(4) For the purposes of this section, a transfer shall be effected by recording a debit in the transferor's F129[renewable transport fuel] obligation account and a credit in the transferee's F129[renewable transport fuel] obligation account of the F129[renewable transport fuel] obligation certificates so transferred.

(5) The Agency shall not effect the transfer of any F129[renewable transport fuel] obligation certificate—

(*a*) the period of validity of which has expired, or

(*b*) which is the subject of a notice of revocation under *section 44M* which has not yet taken effect under that section.

(6) This Part applies to a F129[renewable transport fuel] obligation certificate transferred under this section in all respects as it applies to a F129[renewable transport fuel] obligation certificate issued under *section 44G* and a F129[renewable transport fuel] obligation certificate so transferred may be counted by the transferee towards the discharge of F131[the renewable transport fuel obligation or advanced biofuel and renewable fuels of non-biological origin obligation, as may be the case, notified] to the transferee under *section 44I(1)*.]

F132**[**Cancellation of F133**[**renewable transport fuel**]** obligation certificate where F133**[**renewable transport fuel**]** exported from the State.

44L.—(1) Where F133**[**renewable transport fuel**]** is exported from the State, being F133**[**renewable transport fuel**]** in respect of which a F133**[**renewable transport fuel**]** obligation certificate issued under *section 44G*, the F133**[**renewable transport fuel**]** obligation account holder to whom the certificate issued shall make an application to the Agency to cancel that certificate, whether or not the certificate has been transferred to another F133**[**renewable transport fuel**]** obligation account holder under *section 44K* before or after the date on which the F133**[**renewable transport fuel**]** was so exported.

(2) An application under *subsection (1)* shall be made within 28 days after the date on which the F133**[**renewable transport fuel**]** has been so exported—

(*a*) in such form as the Agency determines for that purpose, including by electronic means, as appropriate, and

(*b*) including such information, particulars and documentation as the Agency reasonably requires for the purposes of this section relating to the exportation of the F133**[**renewable transport fuel**]** concerned from the State.

(3) The Agency may request an applicant to give to the Agency—

(*a*) such additional information, particulars and documentation as the Agency determines for the purposes of an application under *subsection (1)*, and

(*b*) such evidence as the Agency may reasonably require in order to verify any information, particulars or documentation given to the Agency in respect of an application under *subsection (1)*.

(4) A request under *subsection (3)* shall be in such form as the Agency determines and shall specify a period of not less than 21 days from the date of the request within which such information, particulars, documentation or evidence, as the case may be, shall be given to the Agency.

(5) Where an application under *subsection (1)* to cancel a F133**[**renewable transport fuel**]** obligation certificate is made, the Agency shall, as soon as is reasonably practicable, in such form as the Agency determines—

(*a*) acknowledge receipt of the application, and

(*b*) where the certificate has been transferred under *section 44K*, notify the F133**[**renewable transport fuel**]** obligation account holder to whom it has been so transferred.

(6) On the date of the acknowledgement and, as appropriate, notification under *subsection (5)* the certificate shall cease to be valid and cancellation of the certificate shall be effected by recording a debit accordingly in the F133**[**renewable transport fuel**]** obligation account to which the certificate is credited on the date of the notification.**]**

F134**[**Revocation of F135**[**renewable transport fuel**]** obligation certificates.

44M.— (1) The Agency may revoke a F135**[**renewable transport fuel**]** obligation certificate where—

(*a*) the F135**[**renewable transport fuel**]** obligation account holder has been convicted of an offence under *section 44E*, *44G* or *44U*,

(*b*) the F135**[**renewable transport fuel**]** obligation account holder to whom the certificate issued under *section 44G* has failed to comply with the condition specified in *subsection (6)* of that section,

(*c*) in the opinion of the Agency, the F135**[**renewable transport fuel**]** obligation certificate was obtained by fraud or misrepresentation,

F136**[**(*ca*) the F135**[**renewable transport fuel**]** obligation account holder fails to comply with Regulation 7(4) of the European Union (Biofuel Sustainability Criteria) Regulations 2012 (S.I. No. 33 of 2012),**]**

(*d*) in the opinion of the Agency, any information, particulars or documentation provided in respect of the application for, or transfer of, the F135**[**renewable transport fuel**]** obligation certificate was false or misleading in a material respect, or

(*e*) the F135**[**renewable transport fuel**]** obligation certificate was issued or transferred by virtue of an administrative error.

(2) Before revoking a F135**[**renewable transport fuel**]** obligation certificate under this section, the Agency shall give notice, in such form as the Agency determines, of its proposal to revoke the certificate and the reasons for the proposal to the F135**[**renewable transport fuel**]** obligation account holder to whom the certificate issued under *section 44G* and, as appropriate, where the certificate concerned was transferred under *section 44K*, to the account holder to whom the certificate was so transferred and to whose F135**[**renewable transport fuel**]** obligation account the certificate is credited on the date of the notice.

(3) The notice under *subsection (2)* shall state that representations in writing may be made to the Agency in relation to the proposal to revoke not later than 21 days after the date of the notice.

(4) If, after the expiration of 21 days from the date of the notice under *subsection (2)* and having considered any representations made to it under *subsection (3)*, the Agency decides to revoke the F135**[**renewable transport fuel**]** obligation certificate it shall give notice, in such form as the Agency determines, of its decision and the reasons for the decision to the F135**[**renewable transport fuel**]** obligation account holder and, as appropriate, where the certificate concerned was transferred under *section 44K*, the account holder to whom the certificate was so transferred and to whose F135**[**renewable transport fuel**]** obligation account the certificate is credited on the date of the notice.

(5) A F135**[**renewable transport fuel**]** obligation account holder who receives a notice under *subsection (4)* may appeal to the District Court against the decision within a period of 21 days beginning on the date of such receipt.

(6) On the hearing of an appeal by the F135**[**renewable transport fuel**]** obligation account holder to whom the decision relates, the District Court may—

(*a*) make an order affirming or setting aside the decision of the Agency to revoke the F135**[**renewable transport fuel**]** obligation certificate,

(*b*) make an order remitting the decision of the Agency to revoke the F135**[**renewable transport fuel**]** obligation certificate, with or without directions, to the Agency for reconsideration by it and the making of a new decision, or

(*c*) make any other order that it considers just and equitable in the circumstances.

(7) Where no appeal is made under *subsection (5)*, the decision of the Agency shall take effect after the end of the period specified in that subsection.

(8) Where an appeal is made under *subsection (5)*, the decision of the Agency shall stand suspended until the appeal is determined or withdrawn.

(9) The decision of the Agency shall take effect for the purposes of *subsection (7)* or on the determination of the appeal by recording a debit of the F135**[**renewable transport fuel**]** obligation certificate in the F135**[**renewable transport fuel**]** obligation account to which the certificate is credited.**]**

F137**[**F138**[**Renewable transport fuel**]** levy.

44N.— (1) For the purpose of meeting expenses properly incurred or likely to be so incurred, by the Agency and each designated subsidiary in performing functions under this Act, F138**[**renewable transport fuel**]** obligation account holders shall, in accordance with this Part and any regulations made under *section 44T* pay to the Agency in each month a levy (in this Act referred to as the "F138**[**renewable transport fuel**]** levy") on their relevant disposals of F138**[**renewable transport fuel**]** in the preceding month.

F139[(1A) The rate of the F138[renewable transport fuel] levy shall be €0.001 per litre of relevant disposals of F138[renewable transport fuel]s.]

(2) A relevant disposal of F138[renewable transport fuel] is the volume (expressed in litres) of F138[renewable transport fuel] that in any month a F138[renewable transport fuel] obligation account holder disposes of by sale or otherwise in the State or consumes in the State.

(3) No F138[renewable transport fuel] levy is payable by a F138[renewable transport fuel] obligation account holder on its relevant disposals of F138[renewable transport fuel] where the F138[renewable transport fuel] levy has been paid by the F138[renewable transport fuel] obligation account holder from which it acquired the F138[renewable transport fuel].]

F140[Volume assessment.

44O.— (1) Before the end of each month, the Minister shall notify the Agency of the Minister's assessment of the volume of F141[renewable transport fuel] appearing to have been relevantly disposed of in the preceding month by each F141[renewable transport fuel] obligation account holder liable to pay the F141[renewable transport fuel] levy.

(2) The volume assessment is to be based on—

(*a*) the information given by the F141[renewable transport fuel] obligation account holder in accordance with regulations made under *section 44U* relating to returns, or

(*b*) if that information has not been given or if the Minister has reason to believe that information so given is inaccurate or incomplete in any material respect, such estimates as appear to the Minister to be reasonable having regard to any other available information.]

F142[Calculation of F143[renewable transport fuel] levy.

44P.— (1) The Minister shall calculate in accordance with this section the amount of F143[renewable transport fuel] levy payable in respect of a month by each F143[renewable transport fuel] obligation account holder liable to pay the F143[renewable transport fuel] levy on its relevant disposals of F143[renewable transport fuel] in the month and shall notify the Agency of that amount.

(2) The amount of F143[renewable transport fuel] levy shall be calculated by reference to—

(*a*) the F143[renewable transport fuel] obligation account holder's relevant disposals of F143[renewable transport fuel] in the month as specified in its volume assessment for the month, and

F144[(*b*) the rate of F143[renewable transport fuel] levy specified in *section 44N(1A)*.]]

F145[F146[Renewable transport fuel] levy assessment notice.

44Q.— The Agency shall give each F146[renewable transport fuel] obligation account holder liable to pay the F146[renewable transport fuel] levy in respect of a month a F146[renewable transport fuel] levy assessment notice in the prescribed form specifying—

(*a*) the F146[renewable transport fuel] obligation account holder's relevant disposals of F146[renewable transport fuel] as specified in its volume assessment for that month,

F147[(*b*) the rate of F146[renewable transport fuel] levy specified in *section 44N(1A)*,]

(*c*) the amount of the F146[renewable transport fuel] levy payable by it in respect of that month as calculated under *section 44P*, and

(*d*) the date, prescribed under *section 44T*, on which the F146[renewable transport fuel] levy becomes payable.]

F148**[**Interest on unpaid amount of assessment.

44R.— (1) If all or any part of the amount specified in a F149**[**renewable transport fuel**]** levy assessment notice is not paid on or before the date specified in the notice under *section 44Q* as the date on which the amount becomes payable, interest on the unpaid amount accrues at the rate prescribed under *section 44T(g)* from that date to the date of payment.

(2) Notwithstanding *subsection (1)*, interest does not accrue on an amount that, in a review in accordance with regulations made under *section 44T*, the Minister determines is not payable.**]**

F150**[**Recovery of unpaid F151**[**renewable transport fuel**]** levy and interest.

44S.— The Agency may recover, as a simple contract debt in any court of competent jurisdiction, from the F151**[**renewable transport fuel**]** obligation account holder by whom it is payable any amount due and owing to the Agency under this Part in respect of the F151**[**renewable transport fuel**]** levy and any interest that has accrued on that amount.**]**

F152**[**Regulations relating to F153**[**renewable transport fuel**]** levy.

44T.— (1) The Minister may make regulations providing for all or any of the following matters relating to the F153**[**renewable transport fuel**]** levy:

(*a*) F154**[**...**]**

(*b*) the form of the F153**[**renewable transport fuel**]** assessment notice;

(*c*) the review by the Minister of a F153**[**renewable transport fuel**]** levy assessment notice at the request of a F153**[**renewable transport fuel**]** obligation account holder that claims that the notice is erroneous;

(*d*) the period within which a request for such a review shall be made and the conditions to be satisfied by a F153**[**renewable transport fuel**]** obligation account holder before a request may be made;

(*e*) the date on which payment of the F153**[**renewable transport fuel**]** levy becomes due;

(*f*) the form in which payment of the F153**[**renewable transport fuel**]** levy is to be made to the Agency by a F153**[**renewable transport fuel**]** obligation account holder;

(*g*) subject to *section 44V*, the rate of interest on amounts of F153**[**renewable transport fuel**]** levy not paid when due;

(*h*) such other matters as are necessary for or incidental to the imposition, payment and collection of the F153**[**renewable transport fuel**]** levy.

(2) F155**[**...**]**

(3) F156**[**...**]**

(4) F157**[**...**]]**

F158**[**Minister's power to make regulations relating to returns.

44U.— (1) F159**[**The Minister may, following consultation with the Minister for Transport, make regulations**]** for the purposes of this Part, requiring the Agency and F160**[**renewable transport fuel**]** obligation account holders to make written returns to the Minister in each month.

(2) Regulations under this section may, among other things, provide for the following matters:

(*a*) the information to be contained in returns;

(*b*) requirements relating to the certification of returns;

(*c*) the dates by which returns are to be made;

(*d*) the form in which returns are to be made.

(3) A person commits an offence under this section if the person—

(*a*) fails to give for a period of 3 consecutive months from the applicable date required under *subsection (2)(c)* a return in such form and containing such information as is required under *subsection (2)(a)*, or

(*b*) provides in a return information that is false or misleading in a material respect and that the person knows is false or misleading.**]**

F161**[**Formula for determining interest rate.

44V.— Regulations under *section 44J(5)(b)* or *44T(1)(g)*, as the case may be, may prescribe a formula for determining the interest rate by reference to—

(*a*) the prevailing Euro Interbank Offered Rate,

(*b*) an additional rate certified by the Central Bank and Financial Services Authority of Ireland, and

(*c*) such other additional rate as the Minister considers appropriate taking into account the cost of recovering unpaid levy, including any bank charges the Agency may incur in maintaining a bank overdraft to cover a shortfall in funds arising out of unpaid levy.**]**

F162**[**Keeping of records.

44W.— (1) The Minister may make regulations providing for the keeping of specified records by F163**[**renewable transport fuel**]** obligation account holders in respect of matters connected with the F163**[**renewable transport fuel**]** obligation and the F163**[**renewable transport fuel**]** levy, including the form in which and the period for which such records are to be kept.

(2) Regulations made under this section may apply either generally or by reference to a specified class or classes of F163**[**renewable transport fuel**]** obligation account holder.

(3) Regulations made under this section may apply either generally or by reference to a specified class or classes of record.**]**

F164**[**F165**[** Renewable transport fuel**]** standards.

44X.— ...**]**

F166**[**Exemption from renewable transport fuel obligation in cases of particular urgency

44Y.— (1) The Minister for Transport may determine that oil stocks released, or to be released, by the Agency pursuant to a direction of the Minister under *section 35* may, in a case of particular urgency in order to avoid, or mitigate against, a major supply disruption or the risk thereof, be exempt from the renewable transport fuel obligation under *section 44C.*

(2) For the purpose of calculating the specified amount under *subsection (3)* of *section 44C*, oil stocks which are the subject of an exemption under *subsection (1)* shall not be treated as a relevant disposal of petroleum products under F167**[**the said *subsection (3)* of *section 44C***]**.

(3) A determination under *subsection (1)* shall be made by the Minister for Transport as soon as practicable following the direction of the Minister under *section 35* but may be made following the release of the oil stocks the subject of the direction.

(4) For the purposes of *subsection (1)*, the Minister shall, as soon as practicable following the making of a direction by him or her under *section 35*, notify the Minister for Transport of any oil stocks released or to be released by the Agency in accordance with that section.

(5) The Minister for Transport shall, before making a determination under *subsection (1)* —

(*a*) consult with the Minister and the Agency, and

(*b*) have regard to—

(i) Article 25(1) of Directive (EU) 2018/2001 of the European Parliament and of the Council of 11 December 2018[3] on the promotion of the use of energy from renewable sources,

(ii) Article 7a of Directive 2009/30/EC of the European Parliament and of the Council of 23 April 2009[4] amending Directive 98/70/EC as regards the specification of petrol, diesel and gas-oil and introducing a mechanism to monitor and reduce greenhouse gas emissions and amending Council Directive 1999/32/EC as regards the specification of fuel used by inland waterway vessels and repealing Directive 93/12/EEC, and

(iii) carbon budgets prepared and approved under sections 6A and 6B respectively of the Climate Action and Low Carbon Development Act 2015 and sectoral emissions ceilings prepared and approved under section 6C of that Act.

(6) The Minister for Transport shall, as soon as practicable, advise the Minister and the Agency of the making of a determination under *subsection (1)* and the Agency shall inform the obligated party concerned.

(7) The Agency shall, when notifying an obligated party under *section 44I*, take account of any determination made under *subsection (1)*.**]**

PART 6

Enforcement Provisions

Definitions for *Part 6*.

45.— In this Part—

"premises" means any place, ship or other vessel, aircraft, railway wagon or other vehicle and includes any container, storage tank or pipeline used for holding, storing or transporting oil F169**[**or biofuel, as the case may be**]**;

"relevant activity" means—

F170**[**(*a*) any activity connected with the Agency, an oil company, an oil consumer, a biofuel producer or a biofuel supplier, as the case may be, and**]**

(*b*) any activity connected with the holding of oil stocks in the State on behalf of another state in accordance with F171**[**an oil stocks agreement**]**.

Authorised officers.

46.— (1) The following persons are authorised officers for the purposes of this Act:

(*a*) any officer of Customs and Excise;

(*b*) an auditor appointed by the Agency with the consent of F172**[**the Minister and the Minister for Transport**]**;

F172**[**(*c*) any other person including an officer of the Minister or the Agency appointed to be an authorised officer by the Minister or including an officer of the Minister for Transport appointed to be an authorised officer by the Minister for Transport, as the case may be,**]**

(2) An appointment under *subsection (1)(b)* or *(c)* may, subject to *subsection (3)*, be for a fixed period for the purposes of all or any of the provisions of this Act.

(3) Where the exercise of the powers conferred under *section 47* or *section 48* relate to a relevant activity of the Agency, such powers may not be exercised by a person appointed by the Agency or an officer of the Agency.

[3] OJ No. L 328, 21.12.2018, p. 82
[4] OJ No. L 140, 5.6.2009, p. 88

(4) A person appointed to be an authorised officer under *subsection (1)(b)* or *(c)* shall, on appointment, be provided with a certificate of appointment issued—

(*a*) in the case of a person appointed under *subsection (1)(b)*, by the Agency, and

(*b*) in the case of a person appointed under *subsection (1)(c)*, F172**[**by the Minister or the Minister for Transport, as the case may be**]**.

(5) An authorised officer, when exercising a power conferred on him or her by this Act shall, if requested by a person affected by the exercise of such power, produce the certificate of his or her appointment to that person.

(6) An appointment under this section as an authorised officer ceases—

(*a*) if made by the Agency, on the Agency revoking the appointment,

(*b*) if made by the Minister, on the Minister revoking the appointment,

F173**[**(*ba*) if made by the Minister for Transport, on the Minister for Transport revoking the appointment,**]**

(*c*) if for a fixed period, on the expiry of that period, or

(*d*) if the person is an officer of Customs and Excise or an officer of the Minister or the Agency, on that person ceasing to be such officer.

(7) A person who immediately before the commencement of this section was an authorised officer under the European Communities (Minimum Stocks of Petroleum Oils) Regulations 1995 (S.I. No. 96 of 1995) is deemed to have been appointed under this section.

Powers of authorised officers.

47.— (1) For the purpose of obtaining any information necessary for the performance by F174**[**the Minister, the Minister for Transport or the Agency of their respective functions under this Act**]** (including any functions relating to the holding of oil stocks in the State on behalf of another state in accordance with F175**[**an oil stocks agreement**]**), an authorised officer may do any or all of the following:

(*a*) at all reasonable times enter and inspect any premises at or by means of which a relevant activity is carried on or in which records in relation to such activity are kept;

(*b*) at such premises, inspect any books, records or other documents (including documents stored in non-legible form) that the officer finds in the course of the inspection, and take copies of them or extracts from them;

(*c*) direct that such books, records or other documents found at the premises be retained for such period as may be reasonable for further examination;

(*d*) remove from the premises any such books, records or other documents and retain them for such period as the officer reasonably considers to be necessary for further examination;

(*e*) require the owner or person in charge of the premises or any person whom the officer reasonably believes to be employed there to give to the officer such assistance and information, and to produce to him or her such books, records or other documents (and in the case of documents stored in non-legible form, produce to the officer legible reproductions of them) that are in that person's power or procurement, as the officer may reasonably require;

(*f*) carry out, or have carried out, such examinations, inspections, tests and measurements of oil, F176**[**biofuel,**]** plant, equipment, storage tanks, pipelines or any other equipment or appliances at the premises as the officer considers appropriate;

(*g*) remove, or have removed, from the premises any such oil, F176**[**biofuel,**]** equipment or appliance and retain them for such period as the officer reasonably considers to be necessary for further examination;

(*h*) secure for later inspection any premises or part of any premises in which a relevant activity is carried on or in which records in relation to such activity are kept;

(*i*) take photographs or make any record or visual recording of any relevant activity carried on at such premises.

F174**[**(2) Any information obtained by an auditor appointed under *section 46(1)(b)* shall be given directly to both the Minister and the Minister for Transport.**]**

F177**[**(2A) The Minister or the Minister for Transport, as the case may be, may send to the Agency any information given to him or her under *subsection (2)* where he or she considers it appropriate to do so.**]**

(3) Where an authorised officer in exercise of his or her powers under this section is prevented from entering any premises, an application may be made under *section 48* for a warrant authorising such entry.

(4) An authorised officer shall not, other than with the consent of the occupier, enter a private dwelling unless the officer has obtained a warrant under *section 48* authorising such entry.

(5) An authorised officer who has reasonable grounds to believe that a person has committed an offence under this Act may require that person to provide the officer with his or her name and the address at which he or she ordinarily resides.

Search warrants.

48.— (1) A Judge of the District Court may issue a search warrant if satisfied on the sworn information of an authorised officer that there are reasonable grounds for suspecting that information required by an authorised officer for the purpose of the performance by the Minister or the Agency of their functions under this Act is to be found at any premises where a relevant activity is carried on.

(2) A search warrant issued under this section shall be expressed and operate to authorise a named authorised officer, accompanied by such authorised officers and members of the Garda Síochána as the named officer thinks necessary, at any time or times, within 28 days of the date of issue of the warrant, on production, if so requested, of the warrant, to enter (if need be by reasonable force) such premises as are specified in the warrant.

(3) Where any premises are entered by an authorised officer pursuant to a warrant issued under this section, the officer may, in relation to those premises, exercise all or any of the powers conferred on an authorised officer under *section 47*.

Duty of authorised officers to report certain matters.

49.— (1) An authorised officer who, after entering premises under *section 47* or under the authority of a warrant issued under *section 48*, forms the opinion in the course of exercising his or her powers under *section 47* that—

(*a*) a relevant activity has been or is being carried on by any person at the premises otherwise than in compliance with a regulatory provision, or

(*b*) there is a risk to the health, safety or welfare of any employees at work on the premises,

shall report the matter to the appropriate authority.

(2) In this section—

"appropriate authority" means—

(*a*) a member of the Garda Síochána,

(*b*) the Health and Safety Authority,

(*c*) the Environmental Protection Agency,

(*d*) the local authority in whose administrative area the premises are located, or

(*e*) the Revenue Commissioners;

"regulatory provision" means—

(*a*) any provision that is contained in or made under an enactment passed for the protection of employees, the protection of the environment or the regulation of planning and development, or

(*b*) any provision of Chapter 1 of Part 2 of the Finance Act 1999 or of a regulation made under section 104 of that Act.

Offences.

50.— A person is guilty of an offence under this section if the person—

(*a*) obstructs, impedes or assaults an authorised officer in the exercise of a power conferred under *section 47* ,

(*b*) without reasonable excuse, fails or refuses to comply with a direction or requirement of an authorised officer under *section 47(1)(c)* or *(e)*,

(*c*) without reasonable excuse, fails to comply with *section 62 (4)(b)*,

(*d*) alters, suppresses or destroys any books, records or documents (including documents stored in non-legible form) that the person has been required to produce or may reasonably expect to produce,

(*e*) gives to an authorised officer information that the person knows to be false or misleading in a material respect, or

(*f*) falsely represents himself or herself to be an authorised officer.

Indemnification.

51.— Where the Agency is satisfied that any member of staff of the Agency or an authorised officer appointed by it has carried out his or her duties in relation to the enforcement of the provisions of this Act in good faith, the Agency shall indemnify such member of staff or such authorised officer against all actions or claims that may arise in carrying out those duties.

PART 7

AMENDMENTS AND REVOCATION

Amendment of section 7 of Act of 2001.

52.— Section 7 of the Act of 2001 is amended—

(*a*) by deleting subsection (1),

(*b*) by substituting the following subsection for subsection (2):

"(2) Notwithstanding any enactment or rule of law or any provision contained in the memorandum or articles of association of the Corporation, the Minister may, by order, direct the Corporation to transfer all or any of its assets or liabilities or both to the Minister or other public authority on such terms and conditions as the Minister after consulting with the Minister for Finance thinks fit.",

(*c*) by substituting the following subsection for subsection (3):

"(3) Amounts (if any) paid by the Minister in respect of a transfer directed under subsection (2) shall be repaid to the Central Fund out of monies provided by the Oireachtas.",

and

(*d*) by deleting subsection (4).

Amendment of section 8 of Act of 2001.

53.— Section 8 of the Act of 2001 is amended—

(*a*) by substituting the following subsection for subsection (5):

"(5) Notwithstanding any enactment or rule of law, the Corporation shall not be liable to repay to the Minister any amount paid by the Minister under the provisions of the guarantee referred to in subsection (1).",

and

(*b*) by deleting subsection (6).

Amendment of section 9 of Act of 2001.

54.— The following section is substituted for section 9 of the Act of 2001:

"Alteration of memorandum and articles of association of Corporation.

9.— The Corporation shall take such steps as may be necessary under the Companies Acts to alter its memorandum and articles of association for the purpose of making them consistent with this Act.".

Amendment of Third Schedule to Freedom of Information Act 1997.

55.— The Third Schedule to the Freedom of Information Act 1997 is amended by inserting at the end of Part I—

(*a*) in column (2), "*National Oil Reserves Agency Act 2007*.", and

(*b*) in column (3), opposite the mention in column (2) of the *National Oil Reserves Agency Act 2007*, "*section 24*.".

Revocation.

56.— The European Communities (Minimum Stocks of Petroleum Oils) Regulations 1995 (S.I. No. 96 of 1995) are revoked.

PART 8

Miscellaneous Provisions

Regulations to give effect to acts of European Communities.

57.— The power to make regulations under this Act includes the power to make provision in such regulations to give effect to—

(*a*) a provision of the treaties of the European Communities, or

(*b*) an act adopted by an institution of those Communities.

Regulations and orders.

58.— (1) F178**[**The Minister may make regulations, other than the regulations referred to in *section 58A(1)*—**]**

(*a*) for any purpose in relation to which regulations are provided for in this Act,

(*b*) for prescribing any matter or thing referred to in this Act as prescribed or to be prescribed, and

(*c*) generally for the purpose of giving effect to this Act.

(2) The Minister may make orders for any matter in relation to which orders are provided for in this Act.

F179**[**Regulations and orders - Minister for Transport

58A.— (1) The Minister for Transport may make regulations—

(*a*) for any purpose in relation to which regulations are provided for in *sections* F180**[**...**]** *44E, 44G, 44GA, 44J and 44X*, and

(*b*) for prescribing any matter or thing referred to in *sections* F180**[**...**]** *44E, 44G, 44GA, 44J* and *44X* as prescribed or to be prescribed.

(2) The Minister for Transport may make orders for any matter in relation to which orders are provided for in *sections* F180**[**...**]** *44E, 44G, 44GA* and *44J*.**]**

Minister's power to make regulations relating to returns.

59.— (1) The Minister may make regulations—

(*a*) for the purposes of *Parts 4* and *5*, requiring the Agency, oil companies and oil consumers to supply the Minister with written returns in each month, and

(*b*) for the purposes of F181**[**an oil stocks agreement**]**, requiring persons holding oil stocks in the State on behalf of another state in accordance with that agreement to supply the Minister with written returns as and when required by the Minister.

(2) Regulations under this section may, among other things, make provision for the following matters:

(*a*) the information to be contained in returns;

(*b*) requirements relating to the certification of returns;

(*c*) the dates by which returns are to be supplied;

(*d*) the form in which returns are to be supplied;

(*e*) for the purpose of *section 61*, procedures for making representations to the Minister.

(3) A person is guilty of an offence under this section if the person—

(*a*) fails to supply for a period of 3 consecutive months from the applicable date required under *subsection (2)(c)* a return in such form and containing such information as is required under *subsection (2)(a)*, or

(*b*) provides in a return information that is false or misleading in a material respect and that the person knows is false or misleading.

F182**[**Claims for repayment where overpayment in respect of levy or biofuel levy.

59A.— (1) In this section "a person to whom this section applies" means—

(*a*) in the case of the levy, an oil company or oil consumer, as the case may be, and

(*b*) in the case of the biofuel levy, a biofuel obligation account holder,

and references to "person" shall be construed accordingly.

(2) Where a person to whom this section applies considers that there has been an overpayment to the Agency in respect of the liability arising under *Part 5* to pay the levy or under *Part 5A* to pay the biofuel levy, as the case may be, the person concerned may make a claim, at such intervals as may be prescribed, to the Minister in the prescribed form for repayment of the amount of the overpayment and including the prescribed information, particulars and documentation.

(3) A claim for repayment under this section shall not be made more than 18 months after the end of year in which the overpayment concerned was made.

(4) Where the Minister is satisfied that an overpayment was made in respect of the liability to pay the levy or biofuel levy, as the case may be, arising during the period in respect of which the claim for repayment is made, the Minister may direct the Agency—

(*a*) to repay the amount of the excess, or

(*b*) to offset the amount of the claim for repayment against any accrued liability (including any underpayment made by a person to whom this section applies in respect of the levy or biofuel levy, as the case may be) of the person concerned, in whole or in part, in respect of the levy or biofuel levy, as

the case may be, for any period before or after the period in respect of which the claim for repayment is made and which remains unpaid.

(5) Interest shall not be payable in respect of any part of the overpayment whether repaid or offset under *paragraph (a)* or *(b)*, as the case may be, of *subsection (4)*.

(6) The Minister may make regulations providing for all or any of the following:

(*a*) the form in which a claim for repayment may be made, including by electronic means, as appropriate;

(*b*) the intervals at which claims for repayment may be made, which intervals shall not be less than every 3 months beginning on the coming into operation of this section;

(*c*) such information, particulars and documentation as the Minister may reasonably require to be included in a claim for repayment in order to be satisfied as to the claim being made.**]**

Laying of regulations and orders before Houses of Oireachtas.

60.— (1) Every regulation and order made under this Act shall be laid before each House of the Oireachtas as soon as practicable after it is made.

(2) Either House of the Oireachtas may, by resolution passed within 21 sitting days after the day on which a regulation or an order (other than an order under *section 1(2)*, *4* or *5*) was laid before it in accordance with *subsection (1)*, annul the regulation or order.

(3) The annulment of a regulation or order under this section takes effect immediately on the passing of the resolution concerned, but does not affect anything that was done under the regulation or order before the passing of the resolution.

Power of Minister to apply for compliance order and issue directions.

61.— (1) If it appears to the Minister that a person has failed to comply with any requirement of regulations relating to returns the Minister, having afforded the person the opportunity to make representations to him or her in accordance with procedures prescribed under *section 59(2)(e)*, may—

(*a*) apply to the High Court for an order under *subsection (3)*, or

(*b*) give to the person such directions as the Minister thinks fit for securing compliance with the relevant requirement.

(2) Before making an application under *subsection (1)(a)*, the Minister shall give the person concerned a notice in writing specifying the nature of the default and giving the person a period of 14 days after being notified of the default within which to make good the default.

(3) If satisfied on application under *subsection (1)(a)* that the person concerned has failed to comply with such requirement, the High Court may make an order requiring that person to comply with the requirement.

Minister's prior approval required for certain contracts, holding contract obligations, etc.

62.— (1) An oil company or oil consumer shall submit contract proposals to the Minister for approval before it enters into a contract with a person (other than the Agency) by which the oil company or the oil consumer, as the case may be, undertakes to hold in the State in accordance with F183**[**an oil stocks agreement**]** an agreed volume of oil stocks in respect of the other person's stockholding obligations.

(2) Before deciding whether to give or withhold approval of proposals submitted under *subsection (1)*, the Minister shall have regard to such factors as he or she considers appropriate, including—

(*a*) the level of national oil reserves, and

(*b*) the availability of adequate holding facilities in the State for the purpose of meeting the State's stockholding obligations.

(3) For the purposes of *subsection (2)*, the Minister may seek the advice of the Agency in relation to the matters referred to in *paragraphs (a)* and *(b)* of that subsection.

(4) (*a*) Where a contract to which *subsection (1)* relates has been entered into by an oil company or an oil consumer to hold oil stocks in the State in accordance with F183**[**an oil stocks agreement**]**, then the oil stocks concerned shall be so held by such oil company or oil consumer.

(*b*) Where in respect of oil stocks a holding contract has been entered into by a person with the Agency and such contract in whole or in part relates to holding of oil stocks in the State, then, subject to *paragraph (c)*, the oil stocks to be held in the State under such contract shall be so held by such person.

(*c*) Oil stocks maintained in the State for the purposes of *paragraph (b)* shall be so maintained—

(i) where duly held in conjunction with an oil refining business carried on in the State, as a specific amount of non-identified oil, and

(ii) in any other case, as a specific amount of identified oil which may not be drawn upon or replenished (except by the Agency), but without prejudice to the replacement of the oil from time to time, with the prior consent of the Agency, for the purpose of avoiding degradation of quality.

(5) In this section and *section 38* "contract proposals" means—

(*a*) the name and address of the parties to the contract to hold oil stocks,

(*b*) the nature and quantity of the stocks,

(*c*) the location where the stocks are to be held,

(*d*) the period for which the stocks are to be held, and

(*e*) such other information as the Minister may require under the State's stockholding obligations.

Burden of proof in certain proceedings.

63.— F184**[**(1)**]** Where in proceedings for the recovery of levy a dispute arises as to whether no levy is payable by virtue of *section 37(3)* or as to whether the terms and conditions have been met for claiming an exemption from levy in accordance with *section 38*, the burden of proof rests with the defendant oil company or oil consumer.

F185**[**(2) Where in proceedings for the recovery of biofuel levy a dispute arises as to whether no biofuel levy is payable by virtue of *section 44N(3)*, the burden of proof rests with the defendant biofuel obligation account holder.**]**

Prosecution of offences.

64.— F186**[**(1) Summary proceedings for an offence may be brought and prosecuted—

(*a*) in the case of an offence under *section 44E, 44G* or *44GA*, by the Minister for Transport or the Agency,

(*b*) in the case of an offence under *section 44U* or *50*, by the Minister or the Agency, and

(*c*) in the case of an offence under *section 59*, by the Minister.**]**

(2) Notwithstanding section 10(4) of the Petty Sessions (Ireland) Act 1851, proceedings for an offence under this Act may be instituted at any time within 2 years from the date of the alleged commission of the offence.

F187**[**(3) Unless it is satisfied that there are special and substantial reasons for not so doing, the court shall, where a person is convicted of an offence under this Act, order the person to pay to the Agency the costs and expenses, measured by

the court, incurred by the Agency in relation to the investigation, detection or prosecution of the offence.**]**

Offences by bodies corporate.

65.— Where an offence under this Act is committed by a body corporate and is proved to have been committed with the consent or connivance of or to be attributable to any neglect on the part of a person being a director, manager, secretary or other officer of the body corporate or a person who was purporting to act in any such capacity, that person, as well as the body corporate, is guilty of an offence and is liable to be proceeded against and punished as if he or she were guilty of the first-mentioned offence.

Penalties.

66.— (1) A person guilty of an offence under this Act is liable on summary conviction to a fine not exceeding €5,000 or imprisonment for a term not exceeding 6 months or both.

(2) If the contravention in respect of which a person is convicted of an offence under this Act continues after the conviction, the person is guilty of a further offence on every day on which the contravention continues and for each such offence the person is liable on summary conviction to a fine not exceeding €250.

Giving of notices.

67.— (1) A notice required or permitted under this Act to be given to a person is to be addressed to the person by name and may be given to the person in one of the following ways:

(*a*) by delivering it to the person;

(*b*) by leaving it at the address at which the person ordinarily resides or carries on business;

(*c*) by sending it by post in a pre-paid registered letter to the address at which the person ordinarily resides or carries on business;

(*d*) if an address has been provided by the person, by leaving it at the address provided or sending it by pre-paid registered post addressed to the person at that address;

F188**[**(*da*) if the person concerned has agreed to the service of notices by means of an electronic communication (within the meaning assigned by section 2 of the Electronic Commerce Act 2000) to that person (being an addressee within the meaning assigned by that section) and provided that there is a facility to confirm receipt of electronic mail and that such receipt has been confirmed, then by that means; **]**

(*e*) if the person giving the notice considers that notice should be given immediately and a fax machine is located at an address mentioned in *paragraph (b)* or *(d)*, by sending it by fax to that machine but only if the sender's fax machine generates a message confirming successful transmission of the total number of pages of the notice.

(2) For the purposes of this section, a company registered under the Companies Acts is deemed to be ordinarily resident at its registered office, and every other body corporate and every unincorporated body is deemed to be ordinarily resident at its principal office or place of business.

F189**[**Oil Emergency Plan

68.— (1) Subject to *subsection (4)*, the Minister shall prepare a contingency plan (in this Act referred to as the "Oil Emergency Plan"), to be implemented in the event of an oil supply disruption.

(2) The Agency, each oil company and oil consumer, and such public bodies as the Minister considers appropriate, shall assist and co-operate with the Minister in the preparation of the Oil Emergency Plan and the response to, an oil supply disruption.

(3) The Agency and each oil company and oil consumer shall, if so directed by the Minister, furnish to the Minister such information as he or she may require in

respect of the preparation of the Oil Emergency Plan and response to an oil supply disruption.

(4) The Oil Emergency Plan shall include:

(*a*) such measures as the Minister considers appropriate to provide for mitigation against and preparedness for an oil supply disruption, including in relation to the maintenance of oil stocks in accordance with *section 32*;

(*b*) measures to monitor the availability of petroleum products in the State;

(*c*) procedures for consultation between the Minister, such public bodies as the Minister considers appropriate, the Agency and oil companies and oil consumers in relation to the implementation of the Oil Emergency Plan;

(*d*) procedures for the timely release of oil stocks by the Minister where *section 35* applies;

(*e*) such measures, including in relation to the consumption of road transport fuel, to conserve petroleum products as the Minister, following consultation with such public bodies as the Minister considers appropriate, may determine;

(*f*) such measures as the Minister considers appropriate to ensure that supplies of petroleum products to such entities as are deemed by the Minister, following consultation with such other Ministers as the Minister considers appropriate, to be providing a critical service in the State are, in so far as practicable, protected.

(5) The Minister shall, when preparing the Oil Emergency Plan, have regard to Article 20 of the Council Directive.

(6) The Minister may, from time to time, review the Oil Emergency Plan and, as he or she considers necessary, prepare a new Oil Emergency Plan.**]**

F190**[**Register

69.— (1) The Minister shall, as soon as may be after the coming into operation of this section, establish and maintain a register of oil companies to be known as the Petroleum Register, and referred to in this section as the "register".

(2) The register shall be in such form (including electronic form) as the Minister considers appropriate, and shall contain such particulars as may, from time to time, be prescribed.

(3) For the purposes of the register, each oil company shall, within one month of a request in that behalf by the Minister and, in any event not later than 30 July in each year, furnish, in a manner prescribed, the following to the Minister:

(*a*) the name and address in the State of the company;

(*b*) contact details for the company, including an up to date e-mail address and telephone number.

(4) The Minister may, from time to time, request from an oil company such further information in relation to the nature of the business conducted by the company as the Minister considers appropriate and the company shall, within one month after the date of the request, furnish the information to the Minister in the manner requested by the Minister.

(5) A person is guilty of an offence under this section if the person—

(*a*) fails to furnish the information in such form and containing such particulars as is required under *subsection (3)* within 3 months after the date of a request by the Minister or after 30 July in each year, the information in such form and containing such particulars as is required under that provision,

(*b*) fails to furnish within one month after the date of a request from the Minister under *subsection (4)*, the information in such form and containing such particulars as is required under that provision, or

(*c*) furnishes information under *subsection (3)* or *(4)* that is false or misleading in a material respect and that the person knows is false or misleading.**]**

F191**[**Provision of information by Minister to Minister for Transport

70.— (1) The Minister shall, at the request of the Minister for Transport, and may, as he or she considers appropriate, provide information to the Minister for Transport relating to:

(*a*) returns made by renewable transport fuel obligation account holders pursuant to regulations made by the Minister under *section 44U*;

(*b*) the prosecution of offences by the Minister or the Agency under *section 44U*;

(*c*) the performance by the Minister of his or her functions under *sections 44O* and *44P*.**]**

F192[SCHEDULE 1

Section 32

The crude oil equivalent of imports of petroleum products, as referred to in *section 32* shall be calculated using the following method:

1. The sum of net imports of crude oil, natural gas liquids (NGL), refinery feed-stocks and other hydrocarbons, as defined in Annex A, Chapter 3.4 of Regulation (EC) No. 1099/2008, shall be calculated and adjusted to take account of any stock changes. From the resulting figure, one of the following figures shall be deducted for naphtha yield:

4%,

the average naphtha yield,

the net actual naphtha consumption.

2. The sum of the net imports of all other petroleum products, as defined in Annex A, Chapter 3.4 of Regulation (EC) No. 1099/2008, excluding naphtha, shall be calculated and adjusted to take account of stock changes and shall be multiplied by a factor of 1.065.

3. The sum of the figures resulting from 1 and 2 represents the crude oil equivalent.

4. International marine bunkers shall not be included in the calculation.**]**

F193[SCHEDULE 2

Method for calculating the crude oil equivalent of inland consumption

Section 32

The crude oil equivalent of inland consumption, as referred to in *section 32*, shall be calculated using the following method:

F194[1. Inland consumption is the sum of the aggregate "observed gross inland deliveries", as defined in Section 3.2.2.11 of Annex C to Regulation (EC) No. 1099/2008, of the following products only: motor gasoline, aviation gasoline, gasoline-type jet fuel (naphtha-type jet fuel or JP4), kerosene-type jet fuel, other kerosene, gas/diesel oil (distillate fuel oil) and fuel oil (high sulphur content and low sulphur content) as defined in Chapter 3.4 of Annex A to Regulation (EC) No. 1099/2008.**]**

2. The crude oil equivalent of inland consumption is calculated by multiplying by a factor of 1.2.**]**

F195[SCHEDULE 3

Method for calculating the level of stocks held

Section 32

The following method shall be used to calculate stock levels:

1. Without prejudice to the case whereby any oil stocks may be included simultaneously in both the calculation of emergency stocks and the calculation of specific

stocks provided these stocks satisfy all the requisite conditions, no quantity may be counted as stock more than once. Crude oil stocks are reduced by 4 %, which corresponds to the average naphtha yield.

2. Stocks of naphtha and petroleum products for international marine bunkers within the meaning given by Section 2.1 of Annex A to Regulation (EC) No. 1099/2008 are not included.

3. Other petroleum products are included in the stock count using one of the two methods outlined at *subparagraphs (a)* and *(b)* of *paragraph 5*.

4. The method chosen will continue to be used throughout the whole calendar year in question.

5. The calculation may include—

F196**[**(a) all other stocks of the petroleum products identified in Chapter 3.4 of Annex A to Regulation (EC) No. 1099/2008 and calculate the crude oil equivalent by multiplying the quantities by a factor of 1.065, or**]**

(*b*) stocks of only the following products: motor gasoline, aviation gasoline, gasoline-type jet fuel (naphtha-type jet fuel or JP4), kerosene-type jet fuel, other kerosene, gas/diesel oil (distillate fuel oil) and fuel oil (high sulphur content and low sulphur content) and calculate the crude oil equivalent by multiplying the quantities by a factor of 1.2.

6. The calculation may include quantities held:

(*a*) in refinery tanks,

(*b*) in bulk terminals,

(*c*) in pipeline tankage,

(*d*) in barges,

(*e*) in intercoastal tankers,

(*f*) in inland ship bunkers,

(*g*) in storage tank bottoms,

(*h*) as working stocks,

(*i*) by large consumers as required by law or otherwise controlled by a Member State.

7. However, those quantities except for any held in refinery tanks, in pipeline tankage or in bulk terminals, will not be included when calculating levels of specific stocks where such stocks are calculated separately from emergency stocks.

8. The calculation will not include:

(*a*) crude oil not yet produced;

(*b*) quantities held:

(i) in pipelines,

(ii) in rail tank cars,

(iii) in seagoing ships' bunkers,

(iv) in service stations and retail stores,

(v) by other consumers,

(vi) in tankers at sea,

(vii) as military stocks.

9. When calculating stocks, the quantities of stocks calculated as set out above will be reduced by 10 %. That reduction applies to all quantities included in a given calculation.

10. The 10% reduction under *paragraph 9* shall not be applied when calculating the level of specific stocks or the levels of the different categories of specific stocks where those stocks or categories are considered separately from the emergency stocks, particularly with a view to verifying compliance with the minimum levels laid down for specific stocks.**]**



Number 7 *of* 2007

NATIONAL OIL RESERVES AGENCY ACT 2007

REVISED

Updated to 28 August 2026

About this Revised Act

This revision presents the text of the Act as it has been amended since enactment, and preserves the format in which it was passed.

Related legislation

National Oil Reserves Agency Acts 2007 and 2023: this Act is one of a group of Acts included in this collective citation (*Oil Emergency Contingency and Transfer of Renewable Transport Fuels Functions Act 2023* (2/2023), s. 1(3)). The Acts included in this group are:

- *National Oil Reserves Agency Act 2007* (7/2007)
- *Oil Emergency Contingency and Transfer of Renewable Transport Fuels Functions Act 2023* (2/2023), s. 23

Annotations

This Revised Act is not annotated and only shows textual amendments. An annotated version of this revision is also available which shows textual and non-textual amendments and their sources. It also shows editorial notes including statutory instruments made pursuant to the Act and previous affecting provisions.

Material not updated in this revision

Where other legislation is amended by this Act, those amendments may have been superseded by other amendments in other legislation, or the amended legislation may have been repealed or revoked. This information is not represented in this revision but will be reflected in a revision of the amended legislation if one is available.

Where legislation or a fragment of legislation is referred to in annotations, changes to this legislation or fragment may not be reflected in this revision but will be reflected in a revision of the legislation referred to if one is available.

A list of legislative changes to any Act, and to statutory instruments from 1972, may be found linked from the page of the Act or statutory instrument at www.irishstatutebook.ie.