[IE] Conditional Access Directive Implemented

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The Irish government has recently implemented the provisions of Directive 98/84/EC on the legal protection of services based on, or consisting of, conditional access. The Directive is aimed at approximating provisions in the Member States concerning measures against illicit devices that give unauthorised access to protected services. The Directive has been implemented into Irish law by means of Ministerial Regulations.

For the purposes of the Regulations, "protected services" means:

- television broadcasting (but does not include communication services such as telecopying or electronic banks, for example, which provide items of information or other messages on individual demand),

- radio broadcasting,

- Information Society services,

- it also includes the provision of conditional access to any of these services.

The Regulations make it an offence for any person to do any of the following for commercial purposes: manufacture, import, distribute, rent, possess, install, maintain or replace illicit devices, or to use commercial communications to promote illicit devices. "Illicit devices" are defined as any equipment or software designed or adapted to give access to a protected service in an intelligible form without the authorisation of the protected service provider concerned.

Where an offence is committed by a company, legal proceedings may be taken against the officers of the company who have taken part or acquiesced in the offence, as well as against the company itself. Penalties include the forfeiture of any illicit device, and a maximum fine of IEP 1,500 (EUR 1,905) and/or 12 months' imprisonment. The Director of Telecommunications Regulation is entrusted with certain powers, particularly in regard to search and seizure, in order to ensure that the Regulations are complied with.

Statutory Instrument S.I. No. 357 of 2000, European Communities (Conditional Access) Regulations, 2000

http://www.irlgov.ie/tec/communications/comlegislation/3572000.htm

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