



STATUTORY INSTRUMENTS.

S.I. No. 51 of 2013



EUROPEAN UNION (DEMOCRATIC REPUBLIC OF CONGO)
(FINANCIAL SANCTIONS) REGULATIONS 2013

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I, MICHAEL NOONAN, Minister for Finance, in exercise of the powers conferred on me by section 3 of the European Communities Act, 1972 (No. 27 of 1972), and for the purpose of giving full effect to Council Regulation (EC) No. 889/2005 of 13 June 2005¹, as amended, and Council Regulation (EC) No. 1183/2005 of 18 July 2005², as amended, hereby make the following regulations:

1. These Regulations may be cited as the European Union (Democratic Republic of Congo) (Financial Sanctions) Regulations 2013.

2. (1) In these Regulations—

“Council Regulation (EC) No. 889/2005” means Council Regulation (EC) No. 889/2005 of 13 June 2005¹, as amended by—

(a) Council Regulation (EC) No. 1377/2007 of 26 November 2007³, and

(b) Council Regulation (EC) No. 666/2008 of 15 July 2008⁴;

“Council Regulation (EC) No. 1183/2005” means Council Regulation (EC) No. 1183/2005 of 18 July 2005², as amended by—

(a) Council Regulation (EC) No. 1791/2006 of 20 November 2006⁵,

(b) Commission Regulation (EC) No. 242/2009 of 20 March 2009⁶,

(c) Commission Regulation (EU) No. 1250/2010 of 22 December 2010⁷,

(d) Commission Implementing Regulation (EU) No. 1097/2011 of 25 October 2011⁸,

(e) Commission Implementing Regulation (EU) No. 7/2012 of 5 January 2012⁹, and

¹OJ No. L152, 15.06.05, p.1.

²OJ No. L193, 23.07.05, p.1.

³OJ No. L309, 27.11.07, p.1.

⁴OJ No. L188, 16.07.08, p.1.

⁵OJ No. L363, 20.12.06, p.1.

⁶OJ No. L75, 21.03.09, p.8.

⁷OJ No. L341, 23.12.11, p.11.

⁸OJ No. L285, 01.11.11, p.2.

⁹OJ No. L4, 07.01.12, p.1.

*Notice of the making of this Statutory Instrument was published in
“Iris Oifigiúil” of 19th February, 2013.*

(f) Commission Implementing Regulation (EU) No.1251/2012 of 20 December 2012¹⁰.

(2) A word or expression which is used in these Regulations and which is also used in Council Regulation (EC) No. 889/2005 or in Council Regulation (EC) No. 1183/2005 has, unless the context otherwise requires, the same meaning in these Regulations as it has in the Council Regulation concerned.

3. Subject to Regulation 4, a person commits an offence if he or she infringes the provisions of Council Regulation (EC) No. 889/2005 or Council Regulation (EC) No. 1183/2005 as regards—

- (a) the provision of financing or financial assistance,
- (b) the freezing of funds or economic resources,
- (c) the making available of funds or economic resources,
- (d) the supply of information to or cooperation with the competent authorities, or
- (e) the participation in activities to circumvent the requirements of Council Regulation (EC) No. 889/2005 as regards paragraph (a) or Council Regulation (EC) No. 1183/2005 as regards paragraph (b), (c) or (d).

4. Notwithstanding Regulation 3, a person who has received an authorisation under Article 3 of Council Regulation (EC) No. 889/2005 or an authorisation under Article 3 or Article 4 of Council Regulation (EC) No. 1183/2005 may, subject to compliance with the terms and conditions of such authorisation, do such of the things referred to in Regulation 3 as are so authorised.

5. The Central Bank of Ireland may, for the purposes of the administration and enforcement of the provisions of these Regulations, give such directions or issue such instructions to a person as it sees fit.

6. A person who fails to comply with a direction given or an instruction issued under Regulation 5 shall be guilty of an offence.

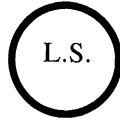
7. Where an offence under these Regulations is committed by a body corporate and is proved to have been so committed with the consent, connivance or approval of or to have been attributable to any neglect on the part of any person, being a director, manager, secretary or other officer of the body corporate or a person who was purporting to act in any such capacity, that person as well as the body corporate, shall be guilty of an offence and shall be liable to be proceeded against and punished as if he or she were guilty of the first mentioned offence.

8. A person guilty of an offence under these Regulations is liable:

¹⁰OJ No. L.352, 21.12.12, p.42.

- (a) on summary conviction, to a Class A fine or to imprisonment for a term not exceeding 12 months or to both, or
- (b) on conviction on indictment, to a fine not exceeding €500,000 or to imprisonment for a term not exceeding 3 years or to both.

9. The European Union (Democratic Republic of Congo) (Financial Sanctions) (No.2) Regulations 2011 (S.I. No. 628 of 2011) are revoked.



GIVEN under my Official Seal,
13 February 2013.

MICHAEL NOONAN,
Minister for Finance.

EXPLANATORY NOTE

(This note is not part of the Instrument and does not purport to be a legal interpretation.)

These Regulations provide for enforcement of European Union financial sanctions contained in Council Regulation (EC) No. 889/2005 of 13 June 2005 and Council Regulation (EC) No. 1183/2005 of 18 July 2005 concerning restrictive measures against the Democratic Republic of Congo (DRC). The sanctions stem from successive United Nations Security Council Resolutions which impose an arms embargo on the DRC and contain sanctions against persons acting in its violation.

The financial sanctions include a) a prohibition on financing or financial assistance related to military activities in the DRC and b) the freezing of funds and economic resources belonging to persons who impede international efforts in disarmament, demobilisation and reintegration of combatants and the provision of humanitarian assistance in the eastern part of the DRC.

The most recent amendment to these sanctions is contained in Commission Implementing Regulation (EC) No. 1251/2012 of 20 December 2012 which amends the list of natural and legal persons, entities or bodies subject to the asset-freeze and other restrictive financial measures under Council Regulation (EC) No. 1183/2005 of 18 July 2005.

These Regulations also provide that the Central Bank of Ireland may issue instructions for the purpose of giving full effect to the financial sanctions.

They create offences for breach of the Council Regulation or for failure to comply with the instructions of the Central Bank of Ireland with regard to implementation of the sanctions and they provide for appropriate penalties.

BAILE ÁTHA CLIATH
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR
Le ceannach díreach ó
FOILSEACHÁIN RIALTAIS,
52 FAICHE STIABHNA, BAILE ÁTHA CLIATH 2
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