



STATUTORY INSTRUMENTS

S.I. No. 550 of 2008

EUROPEAN COMMUNITIES (INTERNATIONAL CRIMINAL
TRIBUNAL FOR THE FORMER YUGOSLAVIA (ICTY)) (FINANCIAL
SANCTIONS) REGULATIONS 2008

(Prn. A8/2003)

EUROPEAN COMMUNITIES (INTERNATIONAL CRIMINAL TRIBUNAL FOR THE FORMER YUGOSLAVIA (ICTY)) (FINANCIAL SANCTIONS) REGULATIONS 2008

I, BRIAN LENIHAN, 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 effect to Council Regulation (EC) No. 1763/2004 of 11 October 2004¹, as amended, hereby make the following regulations:

1. These Regulations may be cited as the European Communities (International Criminal Tribunal for the former Yugoslavia (ICTY)) (Financial Sanctions) Regulations 2008.

2. (1) In these Regulations—

“Council Regulation” means Council Regulation (EC) No. 1763/2004 of 11 October 2004¹, as amended by—

(a) Commission Regulation (EC) No. 1965/2004 of 15 November 2004²,

(b) Commission Regulation (EC) No. 2233/2004 of 22 December 2004³,

(c) Commission Regulation (EC) No. 295/2005 of 22 February 2005⁴,

(d) Commission Regulation (EC) No. 607/2005 of 18 April 2005⁵ together with the Corrigendum to that Regulation⁶,

(e) Commission Regulation (EC) No. 830/2005 of 30 May 2005⁷ together with the Corrigendum to that Regulation⁸,

(f) Commission Regulation (EC) No. 1208/2005 of 27 July 2005⁹,

(g) Commission Regulation (EC) No. 1636/2005 of 6 October 2005¹⁰,

(h) Commission Regulation (EC) No. 23/2006 of 9 January 2006¹¹,

¹OJ No. L.315, 14.10.04, p.14.

²OJ No. L.339, 16.11.04, p.4.

³OJ No. L.379, 24.12.04, p.75.

⁴OJ No. L.50, 23.2.05, p.5.

⁵OJ No. L.100, 20.4.05, p.17.

⁶OJ No. L.104, 23.4.05, p.46.

⁷OJ No. L.137, 31.5.05, p.24.

⁸OJ No. L.139, 2.6.05, p.29.

⁹OJ No. L.197, 28.7.05, p.19.

¹⁰OJ No. L.261, 7.10.05, p.20.

¹¹OJ No. L.5, 10.1.06, p.8.

Notice of the making of this Statutory Instrument was published in “Iris Oifigiúil” of 23rd December, 2008.

- (i) Commission Regulation (EC) No. 416/2006 of 10 March 2006¹²,
- (j) Commission Regulation (EC) No. 1053/2006 of 11 July 2006¹³,
- (k) Council Regulation (EC) No. 1791/2006 of 20 November 2006¹⁴,
- (l) Commission Regulation (EC) No. 789/2007 of 4 July 2007¹⁵,
- (m) Commission Regulation (EC) No. 738/2008 of 28 July 2008¹⁶, and
- (n) Commission Regulation (EC) No. 895/2008 of 12 September 2008¹⁷.

(2) A word or expression which is used in these Regulations and which is also used in the Council Regulation has, unless the context otherwise requires, the same meaning in these Regulations as it has in the Council Regulation.

3. Subject to Regulation 4, a person commits an offence if he or she infringes the provisions of the Council Regulation as regards—

- (a) the freezing of funds or economic resources,
- (b) the making available of funds or economic resources,
- (c) the supply of information to or cooperation with the competent authorities, or
- (d) the participation in activities to circumvent the requirements of the Council Regulation as regards paragraph (a), (b), or (c).

4. Notwithstanding Regulation 3, a person who has received an authorisation under Article 3 or Article 4 of the Council Regulation 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 and Financial Services Authority 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 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

¹²OJ No. L.72, 11.3.06, p.7.

¹³OJ No. L.189, 12.7.06, p.5.

¹⁴OJ No. L.363, 20.12.06, p.1.

¹⁵OJ No. L.175, 5.7.07, p.27.

¹⁶OJ No. L.201, 30.7.08, p.33.

¹⁷OJ No. L.247, 16.9.08, p.19.

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:

- (a) on summary conviction, to a fine not exceeding €5,000 or imprisonment for a term not exceeding 12 months or both, or
- (b) on conviction on indictment, to a fine not exceeding €500,000 or imprisonment for a term not exceeding 3 years or both.

9. The European Communities (International Criminal Tribunal for the former Yugoslavia (ICTY)) (Financial Sanctions) Regulations 2006 (S.I. No. 418 of 2006) are revoked.



GIVEN under my Official Seal,
12 December 2008

BRIAN LENIHAN,
Minister for Finance.

EXPLANATORY NOTE

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

These Regulations provide for enforcement of financial sanctions contained in Council Regulation (EC) No. 1763/2004 of 11 October 2004, as amended, in support of the effective implementation of the mandate of the International Criminal Tribunal for the former Yugoslavia (ICTY). The sanctions control all dealings with funds and economic resources owned by persons indicted by the ICTY who are still at large and ban any support these persons might receive from within the Community.

The Council Regulation was amended in July and September 2008 to remove two persons from the asset-freeze list following their transfer to the custody of the ICTY.

These Regulations also provide that the Central Bank and Financial Services Authority of Ireland (CBFSAI) 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 CBFSAI with regard to implementation of the sanctions and they provide for appropriate penalties.

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