



STATUTORY INSTRUMENTS.

**S.I. No. 566 of 2011**

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EUROPEAN UNION (SOMALIA) (FINANCIAL SANCTIONS) (No. 2)  
REGULATIONS 2011

**(Prn. A11/2013)**

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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. 147/2003 of 27 January 2003<sup>1</sup>, as amended, and Council Regulation (EU) No. 356/2010 of 26 April 2010<sup>2</sup>, as amended, hereby make the following regulations:

1. These Regulations may be cited as the European Union (Somalia) (Financial Sanctions) (No. 2) Regulations 2011.

2. (1) In these Regulations—

“Council Regulation (EC) No. 147/2003” means Council Regulation (EC) No. 147/2003 of 27 January 2003<sup>1</sup>, as amended by

(a) Council Regulation (EC) No. 631/2007 of 7 June 2007<sup>3</sup>, and

(b) Council Regulation (EU) No. 1137/2010 of 7 December 2010<sup>4</sup>.

“Council Regulation (EU) No. 356/2010” means Council Regulation (EU) No. 356/2010 of 26 April 2010<sup>2</sup>, as amended by Council Implementing Regulation (EU) No. 956/2011 of 26 September 2011<sup>5</sup>.

(2) A word or expression which is used in these Regulations and which is also used in Council Regulation (EU) No. 356/2010 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 Council Regulation (EC) No. 147/2003 or Council Regulation (EU) No. 356/2010 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,

<sup>1</sup>OJ No. L.24, 29.01.03, p.2.

<sup>2</sup>OJ No. L.105, 27.04.10, p.1.

<sup>3</sup>OJ No. L.146, 08.06.07, p.1.

<sup>4</sup>OJ No. L.322, 08.12.10, p.2.

<sup>5</sup>OJ No. L.249, 27.09.11, p.1.

*Notice of the making of this Statutory Instrument was published in  
“Iris Oifigiúil” of 11th November, 2011.*

- (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. 147/2003 as regards paragraph (a) or (d) or of Council Regulation (EU) No. 356/2010 as regards paragraph (b), (c) or (d).

4. Notwithstanding Regulation 3, a person who has received an authorisation under Article 2a or prior approval under Article 3 of Council Regulation (EC) No. 147/2003 or an authorisation under Article 5 or 6 of Council Regulation (EU) No. 356/2010 may, subject to compliance with the terms and conditions of it, do such of the things referred to in Regulation 3 as are so authorised or approved.

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.

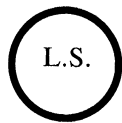
6. A person who fails to comply with a direction given or an instruction issued under Regulation 5 commits an offence.

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 the 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, commits an offence and is liable to be proceeded against and punished as if he or she committed the first mentioned offence.

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

- 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 (Somalia) (Financial Sanctions) Regulations 2011 (S.I. No. 98 of 2011) are revoked.



GIVEN under my Official Seal,  
7 November 2011

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 financial sanctions contained in Council Regulation (EC) No. 147/2003 of 27 January 2003 as amended, concerning restrictive measures against Somalia. The prohibition is in respect of the provision of financing or financial assistance related to military activities in Somalia, with exemptions in respect of support for the African Union Mission to Somalia (AMISOM). Council Regulation (EU) No. 356/2010 of 26 April 2010 provides for an asset freeze in respect of listed persons and entities and a ban on the provision of certain services, including financial services, to those persons or entities.

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 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 ón  
OIFIG DHÍOLTA FOILSEACHÁN RIALTAIS,  
TEACH SUN ALLIANCE, SRÁID THEACH LAIGHEAN, BAILE ÁTHA CLIATH 2,  
nó tríd an bpost ó  
FOILSEACHÁIN RIALTAIS, AN RANNÓG POST-TRÁCHTA,  
AONAD 20 PÁIRC MIONDÍOLA COIS LOCHA, CLÁR CHLAINNE MHUIRIS,  
CONTAE MHAIGH EO,  
(Teil: 01 - 6476834 nó 1890 213434; Fax: 094 - 9378964 nó 01 - 6476843)  
nó trí aon díoltóir leabhar.

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