



STATUTORY INSTRUMENTS.

**S.I. No. 74 of 2016**



EUROPEAN UNION (RESTRICTIVE MEASURES CONCERNING THE  
DEMOCRATIC REPUBLIC OF THE CONGO) REGULATIONS 2016

## EUROPEAN UNION (RESTRICTIVE MEASURES CONCERNING THE DEMOCRATIC REPUBLIC OF THE CONGO) REGULATIONS 2016

I, RICHARD BRUTON, Minister for Jobs, Enterprise and Innovation, 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 1183/2005 of 18 July 2005<sup>1</sup>, as amended, hereby make the following regulations:

1. These Regulations may be cited as the European Union (Restrictive Measures concerning the Democratic Republic of the Congo) Regulations 2016.

2. (1) In these Regulations—

“Council Regulation” means Council Regulation (EC) No 1183/2005 of 18 July 2005<sup>1</sup> as amended by the European acts specified in Schedule 1;

“European act” means an act adopted by an institution of the European Union or an institution of the European Communities.

(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. A person who contravenes a provision of the Council Regulation specified in Schedule 2 commits an offence.

4. Notwithstanding Regulation 3, a person who has received an authorisation under Article 1b, 3 or 4 of the Council Regulation may, subject to compliance with the terms and conditions of such authorisation, do such of the things as are so authorised.

5. (1) A person who is guilty of an offence under Regulation 3 shall be 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.

6. Any competent authority, following such consultation as it considers necessary with the other competent authorities, for the purposes of the administration

<sup>1</sup>OJ L 193, 23.7.2005, p.1

*Notice of the making of this Statutory Instrument was published in “Iris Oifigiúil” of 26th February, 2016.*

and enforcement of the Council Regulation or these Regulations, may give in writing such directions to a person as it sees fit.

7. A person who fails to comply with a direction given under Regulation 6 within the time specified in the direction shall be guilty of an offence and shall be liable on summary conviction to a class A fine or to imprisonment for a term not exceeding 6 months or to both.

8. Where an offence under these Regulations is committed by a body corporate and is proved to have been so committed with the consent or connivance of or to be 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 such capacity, that person shall, as well as the body corporate, 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.

9. The following Regulations are revoked:

- (a) European Communities (Restrictive Measures) (Democratic Republic of Congo) Regulations 2005 (S.I. No. 800 of 2005);
- (b) European Communities (Restrictive Measures) (Democratic Republic of Congo) (Amendment) Regulations 2008 (S.I. No. 33 of 2008);
- (c) European Communities (Restrictive Measures) (Democratic Republic of Congo) (Amendment) Regulations 2011 (S.I. No. 413 of 2011);
- (d) European Union (Democratic Republic of Congo) (Financial Sanctions) (No. 2) Regulations 2013 (S.I. No. 528 of 2013).

**Schedule 1**

**Council Regulation**

*Regulation 2*

1. Commission Regulation (EC) No 1824/2005 of 9 November 2005<sup>2</sup>
2. Commission Regulation (EC) No 84/2006 of 18 January 2006<sup>3</sup>
3. Council Regulation (EC) No 1791/2006 of 20 November 2006<sup>4</sup>
4. Commission Regulation (EC) No 201/2007 of 23 February 2007<sup>5</sup>
5. Commission Regulation (EC) No 400/2007 of 12 April 2007<sup>6</sup>
6. Commission Regulation (EC) No 933/2007 of 3 August 2007<sup>7</sup>
7. Commission Regulation (EC) No 1096/2007 of 20 September 2007<sup>8</sup>
8. Commission Regulation (EC) No 242/2009 of 20 March 2009<sup>9</sup>
9. Commission Regulation (EU) No 1250/2010 of 22 December 2010<sup>10</sup>
10. Commission Implementing Regulation (EU) No 1097/2011 of 25 October 2011<sup>11</sup>
11. Commission Implementing Regulation (EU) No 7/2012 of 5 January 2012<sup>12</sup>
12. Commission Implementing Regulation (EU) No 1251/2012 of 20 December 2012<sup>13</sup>
13. Commission Implementing Regulation (EU) No 53/2013 of 22 January 2013<sup>14</sup>
14. Council Regulation (EU) No 517/2013 of 13 May 2013<sup>15</sup>
15. Council Regulation (EU) No 521/2013 of 6 June 2013<sup>16</sup>
16. Council Regulation (EU) No 271/2014 of 17 March 2014<sup>17</sup>

<sup>2</sup>OJ L 294, 10.11.2005, p.3

<sup>3</sup>OJ L 14, 19.1.2006, p.14

<sup>4</sup>OJ L 363, 20.12.2006, p.1

<sup>5</sup>OJ L 59, 27.2.2007, p.73

<sup>6</sup>OJ L 98, 13.4.2007, p.20

<sup>7</sup>OJ L 204, 4.8.2007, p.5

<sup>8</sup>OJ L 246, 21.9.2007, p.29

<sup>9</sup>OJ L 75, 21.3.2009, p.8

<sup>10</sup>OJ L 341, 23.12.2010, p.11

<sup>11</sup>OJ L 285, 1.11.2011, p.2

<sup>12</sup>OJ L 4, 7.1.2012, p.1

<sup>13</sup>OJ L 352, 21.12.2012, p.42

<sup>14</sup>OJ L 20, 23.1.2013, p.46

<sup>15</sup>OJ L 158, 10.6.2013, p.1

<sup>16</sup>OJ L 156, 8.6.2013, p.1

<sup>17</sup>OJ L 79, 18.3.2014, p.35

17. Council Implementing Regulation (EU) No 1275/2014 of 1 December 2014<sup>18</sup>
18. Council Regulation (EU) 2015/613 of 20 April 2015<sup>19</sup>
19. Council Implementing Regulation (EU) 2015/614 of 20 April 2015<sup>20</sup>

<sup>18</sup>OJ L 346, 2.12.2014, p.3

<sup>19</sup>OJ L 102, 21.4.2015, p.3

<sup>20</sup>OJ L 102, 21.4.2015, p.10

**Schedule 2**

**Provision of Council Regulation**

*Regulation 3*

Article 1a

Article 2

Article 6(1)

Article 7b



GIVEN under my Official Seal,  
21 February 2016.

RICHARD BRUTON,  
Minister for Jobs, Enterprise and Innovation.

## EXPLANATORY NOTE

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

These Regulations provide for the enforcement of restrictive measures contained in Council Regulation (EC) No 1183/2005 as amended, regarding restrictive measures concerning the Democratic Republic of the Congo.

The Regulations provide that competent authorities of the State may issue directions for the purpose of giving full effect to the sanctions.

The Regulations create offences for breach of the Council Regulations or for failure to comply with the directions of competent authorities of the State with regard to implementation of the sanctions and provides for appropriate penalties.

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