STATUTORY INSTRUMENTS.

S.I. No. 76 of 2016

EUROPEAN UNION (RESTRICTIVE MEASURES CONCERNING TUNISIA) REGULATIONS 2016
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TUNISIA) 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 Communi-
ties Act 1972 (No. 27 of 1972) and for the purpose of giving full effect to Council
Regulation (EU) No 101/2011 of 4 February 2011\(^1\), as amended, hereby make
the following regulations:

1. These Regulations may be cited as the European Union (Restrictive
Measures concerning Tunisia) Regulations 2016.

2. (1) In these Regulations—

February 2011\(^1\) 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 4(1), 5(1) or 7 of the Council Regulation may, subject to com-
pliance 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 neces-
sary with the other competent authorities, for the purposes of the administration
\(^{1}\)OJ L 031, 5.2.2011, p.1

Notice of the making of this Statutory Instrument was published in
“\textit{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 European Union (Tunisia) (Financial Sanctions) (No. 2) Regulations 2013 (S.I. No. 549 of 2013) are revoked.
Schedule 1

Council Regulation

2. Council Regulation (EU) No 517/2013 of 13 May 2013³
3. Council Implementing Regulation (EU) No 735/2013 of 30 July 2013⁴
5. Council Implementing Regulation (EU) 2015/147 of 30 January 2015⁶

²OJ L 327, 27.11.2012, p.16
³OJ L 158, 10.6.2013, p.1
⁴OJ L 204, 31.7.2013, p.23
⁵OJ L 28, 31.1.2014, p.2
⁶OJ L 26, 31.1.2015, p.3
Schedule 2

Provision of Council Regulation

Regulation 3

Article 2

Article 9(1)

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 (EU) No 101/2011 as amended, regarding restrictive measures concerning Tunisia.

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.