



STATUTORY INSTRUMENTS.

S.I. No. 266 of 2011



EUROPEAN UNION (BELARUS) (FINANCIAL SANCTIONS) (NO. 2)
REGULATIONS 2011

(Prn. A11/0928)

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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. 765/2006 of 18 May 2006¹, as amended, hereby make the following regulations:

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

2. (1) In these Regulations “Council Regulation” means Council Regulation (EC) No. 765/2006 of 18 May 2006¹, as amended by—

(a) Commission Regulation (EC) No. 1587/2006 of 23 October 2006²,

(b) Council Regulation (EC) No. 646/2008 of 8 July 2008³,

(c) Council Implementing Regulation (EU) No. 84/2011 of 31 January 2011⁴ and the Corrigendum to that Regulation⁵,

(d) Council Implementing Regulation (EU) No. 271/2011 of 21 March 2011⁶, and

(e) Council Implementing Regulation (EU) No. 505/2011 of 23 May 2011⁷.

(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 who fails to comply with the requirements 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

¹OJ No. L.134, 20.05.06, p.1.

²OJ No. L.294, 25.10.06, p.25.

³OJ No. L.180, 09.07.08, p.5.

⁴OJ No. L.28, 02.02.11, p.17.

⁵OJ No. L.102, 16.04.11, p.44.

⁶OJ No. L.76, 22.03.11, p.13.

⁷OJ No. L.136, 24.05.11, p.48.

*Notice of the making of this Statutory Instrument was published in
“Iris Oifigiúil” of 10th June, 2011.*

(d) the participation in activities to circumvent paragraphs (a), (b) or (c) commits an offence.

4. Notwithstanding Regulation 3, a person who has received an authorisation under Article 3(1) or a specific authorisation under Article 3(2) of the Council Regulation 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.

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 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 Union (Belarus) (Financial Sanctions) Regulations 2011 (S.I. No. 205 of 2011) are revoked.



GIVEN under my Official Seal,
2 June 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. 765/2006 of 18 May 2006, as amended, concerning restrictive measures in respect of Belarus. The sanctions impose an asset-freeze on President Lukashenko, the Belarusian leadership and officials responsible for violations of international electoral standards and international human rights law, as well as for the crackdown on civil society and democratic opposition. Council Implementing Regulation (EU) No. 505/2011 of 23 May 2011 adds to the list of persons set out in Annex 1A to Council Regulation (EC) No. 765/2006 of 18 May 2006.

The S.I. provides that the Central Bank of Ireland may issue instructions for the purpose of giving full effect to the financial sanctions.

It creates 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 it provides for appropriate penalties.

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