



STATUTORY INSTRUMENTS.

S.I. No. 559 of 2013



FINANCIAL TRANSFERS (BELARUS) (PROHIBITION) ORDER 2013

FINANCIAL TRANSFERS (BELARUS) (PROHIBITION) ORDER 2013

I, MICHAEL NOONAN, Minister for Finance, in exercise of the powers conferred on me by section 4 of the Financial Transfers Act 1992 (No. 27 of 1992) and for the purpose of giving full effect to Council Regulation (EC) No. 765/2006 of 18 May 2006¹, as last amended by Council Implementing Regulation (EU) No. 1054/2013 of 29 October 2013², hereby order as follows:

1. This Order may be cited as the Financial Transfers (Belarus) (Prohibition) Order 2013.

2. (1) In this Order “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 2006³,
- (b) Council Regulation (EC) No. 1791/2006 of 20 November 2006⁴,
- (c) Council Regulation (EC) No. 646/2008 of 8 July 2008⁵,
- (d) Council Implementing Regulation (EU) No. 84/2011 of 31 January 2011⁶,
- (e) Council Implementing Regulation (EU) No. 271/2011 of 21 March 2011⁷,
- (f) Council Implementing Regulation (EU) No. 505/2011 of 23 May 2011⁸,
- (g) Council Regulation (EU) No. 588/2011 of 20 June 2011⁹,
- (h) Council Regulation (EU) No. 999/2011 of 10 October 2011¹⁰,
- (i) Council Implementing Regulation (EU) No. 1000/2011 of 10 October 2011¹¹,

¹OJ No. L 134, 20.5.06, p.1

²OJ No. L 288, 30.10.13, p.1

³OJ No. L 294, 25.10.06, p.25

⁴OJ No. L 363, 20.12.06, p. 1

⁵OJ No. L 180, 9.7.08, p.5

⁶OJ No. L 28, 2.2.11, p.17

⁷OJ No. L 76, 22.3.11, p.13

⁸OJ No. L 136, 24.5.11, p.48

⁹OJ No. L 161, 21.6.11, p.1

¹⁰OJ No. L 265, 11.10.11, p.6

¹¹OJ No. L 265, 11.10.11, p.8

*Notice of the making of this Statutory Instrument was published in
“Iris Oifigiúil” of 3rd January, 2014.*

- (j) Council Implementing Regulation (EU) No. 1320/2011 of 16 December 2011¹²,
- (k) Council Regulation (EU) No. 114/2012 of 10 February 2012¹³,
- (l) Council Implementing Regulation (EU) No. 170/2012 of 28 February 2012¹⁴,
- (m) Council Implementing Regulation (EU) No. 265/2012 of 23 March 2012¹⁵,
- (n) Council Regulation (EU) No. 354/2012 of 23 April 2012¹⁶,
- (o) Council Regulation (EU) No. 1014/2012 of 6 November 2012¹⁷,
- (p) Council Implementing Regulation (EU) No. 1017/2012 of 6 November 2012¹⁸,
- (q) Council Implementing Regulation (EU) No. 494/2013 of 29 May 2013¹⁹, and
- (r) Council Implementing Regulation (EU) No. 1054/2013 of 29 October 2013².

(2) A word or expression used in this Order that is also used in the Council Regulation has, unless the context otherwise requires, the same meaning in this Order as it has in the Council Regulation.

3. For the purposes of this Order and the Council Regulation the Central Bank of Ireland shall be the competent authority in the State.

4. Subject to Article 5, a person shall not make a financial transfer between the State and another country the effect of which would be to enable or facilitate, directly or indirectly, the doing of anything which is a contravention of the Council Regulation.

5. Notwithstanding Article 4 of this Order, a person who—

- (a) has received a prior approval under Article 1b,
- (b) has been granted or is deemed to have been granted an authorisation under Article 3(1), 4a or 4b, or

¹²OJ No. L 335, 17.12.11, p. 15

¹³OJ No. L 38, 11.2.12, p. 3

¹⁴OJ No. L 55, 29.2.12, p. 1

¹⁵OJ No. L 87, 24.3.12, p. 37

¹⁶OJ No. L 113, 25.4.12, p. 1

¹⁷OJ No. L 307, 7.11.12, p. 1

¹⁸OJ No. L 307, 7.11.12, p. 7

¹⁹OJ No. L 143, 30.5.13, p. 1

(c) has been granted or is deemed to have been granted a specific authorisation under Article 3(2),

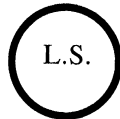
of the Council Regulation may, subject to compliance with the terms and conditions of the approval or authorisation as the case may be, do such of the things as are so authorised.

6. The Central Bank of Ireland may, for the purposes of supervision of financial transfers and for the administration and enforcement of the Council Regulation or this Order, give such directions or issue such instructions to a person as it sees fit.

7. A person to whom a direction has been given or an instruction issued under Article 6 of this Order shall comply with such direction or instruction.

8. A person shall not do anything to directly or indirectly assist in the circumvention of the provisions of this Order.

9. The Financial Transfers (Belarus) (Prohibition) Order 2012 (S.I. No. 10 of 2012) is revoked.



GIVEN under my Official Seal,
18 December 2013.

MICHAEL NOONAN,
Minister for Finance.

EXPLANATORY NOTE

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

This Order provides for the 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.

The SI 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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