



STATUTORY INSTRUMENTS.

S.I. No. 560 of 2013



FINANCIAL TRANSFERS (DEMOCRATIC REPUBLIC OF CONGO)
(PROHIBITION) ORDER 2013

FINANCIAL TRANSFERS (DEMOCRATIC REPUBLIC OF CONGO)
(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. 889/2005 of 13 June 2005¹, as last amended by Council Regulation (EC) No. 666/2008 of 15 July 2008², and Council Regulation (EC) No. 1183/2005 of 18 July 2005³, as last amended by Council Regulation (EC) No. 521/2013 of 6 June 2013⁴, hereby order as follows:

1. This Order may be cited as the Financial Transfers (Democratic Republic of Congo) (Prohibition) Order 2013.

2. (1) In this Order—

“Council Regulation (EC) No. 889/2005” means Council Regulation (EC) No. 889/2005 of 13 June 2005¹, as amended by—

(a) Council Regulation (EC) No. 1377/2007 of 26 November 2007⁵, and

(b) Council Regulation (EC) No. 666/2008 of 15 July 2008².

“Council Regulation (EC) No. 1183/2005” means Council Regulation (EC) No. 1183/2005 of 18 July 2005³, as amended by—

(a) Commission Regulation (EC) No. 1824/2005 of 9 November 2005⁶,

(b) Council Regulation (EC) No. 1791/2006 of 20 November 2006⁷,

(c) Commission Regulation (EC) No. 242/2009 of 20 March 2009⁸,

(d) Commission Regulation (EU) No. 1250/2010 of 22 December 2010⁹,

¹OJ No. L 152, 15.6.05, p. 1

²OJ No. L 188, 16.7.08, p. 1

³OJ No. L 193, 23.7.05, p.1

⁴OJ No. L 156, 8.6.13, p. 1

⁵OJ No. L 309, 27.11.07, p.1

⁶OJ No. L 294, 10.11.05, p. 3

⁷OJ No. L 363, 20.12.06, p. 1

⁸OJ No. L 75, 21.3.09, p. 8

⁹OJ No. L 341, 23.12.10, p. 11

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

- (e) Commission Implementing Regulation (EU) No. 1097/2011 of 25 October 2011¹⁰,
- (f) Commission Implementing Regulation (EU) No. 7/2012 of 5 January 2012¹¹,
- (g) Commission Implementing Regulation (EU) No. 1251/2012 of 20 December 2012¹²,
- (h) Commission Implementing Regulation (EU) No. 53/2013 of 22 January 2013¹³, and
- (i) Council Regulation (EU) No. 521/2013 of 6 June 2013⁴.

(2) A word or expression used in this Order that is also used in Council Regulation (EC) No. 889/2005 or in Council Regulation (EC) No. 1183/2005 has, unless the context otherwise requires, the same meaning in this Order as it has in the Council Regulation concerned.

3. For the purposes of this Order and the Council Regulations 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 Regulations.

5. Notwithstanding Article 4, a person who has been granted or is deemed to have been granted an authorisation under Article 3 of Council Regulation (EC) No. 889/2005 or an authorisation under Article 3 or 4 of Council Regulation (EC) No. 1183/2005 may, subject to compliance with the terms and conditions of such authorisation, 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 Regulations 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.

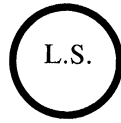
¹⁰OJ No. L 285, 1.11.11, p. 2

¹¹OJ No. L 4, 7.1.12, p. 1

¹²OJ No. L 352, 21.12.12, p. 42

¹³OJ No. L 20, 23.1.13, p. 46

9. The Financial Transfers (Democratic Republic of Congo) (Prohibition) Order 2011 (S.I. No. 175 of 2011) 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 enforcement of European Union financial sanctions prohibiting financial transfers between the State and another country, as outlined in Council Regulation (EC) No. 889/2005 of 13 June 2005 and Council Regulation (EC) No. 1183/2005 of 18 July 2005 concerning restrictive measures against the Democratic Republic of Congo (DRC). The sanctions stem from successive United Nations Security Council Resolutions which impose an arms embargo on the DRC and contain sanctions against persons acting in its violation.

The financial sanctions include a) a prohibition on financing or financial assistance related to military activities in the DRC and b) the freezing of funds and economic resources belonging to persons who impede international efforts in disarmament, demobilisation and reintegration of combatants and the provision of humanitarian assistance in the eastern part of the DRC.

The most recent amendments to these sanctions is contained in Commission Implementing Regulation (EC) No. 53/2013 of 22 January 2013 and Council Regulation (EC) No. 521/2013 of 6 June 2013 which amend, and provide for the expansion of, the list of natural and legal persons, entities or bodies subject to the asset-freeze and other restrictive financial measures under Council Regulation (EC) No. 1183/2005 of 18 July 2005 respectively.

This Order also 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 they provide for appropriate penalties.

BAILE ÁTHA CLIATH
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR
Le ceannach díreach ó
FOILSEACHÁIN RIALTAIS,
52 FAICHE STIABHNA, BAILE ÁTHA CLIATH 2
(Teil: 01 - 6476834 nó 1890 213434; Fax: 01 - 6476843)
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