



STATUTORY INSTRUMENTS.

**S.I. No. 540 of 2016**



EUROPEAN UNION (RESTRICTIVE MEASURES CONCERNING THE  
DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA) (NO. 2)  
REGULATIONS 2016

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I, MARY MITCHELL O'CONNOR, 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 329/2007 of 27 March 2007<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 People's Republic of Korea) (No. 2) Regulations 2016.

2. (1) In these Regulations—

“Council Regulation” means Council Regulation (EC) No 329/2007 of 27 March 2007<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. (1) A person who contravenes a provision of the Council Regulation specified in Part 1 of Schedule 2 shall be guilty of an offence.

(2) A person who contravenes a condition of an authorisation granted under a provision of the Council Regulation specified in Part 2 of Schedule 2 shall be guilty of an offence.

4. 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 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 both.

5. A competent authority in the State, following such consultation as it considers necessary with other competent authorities, for the purposes of the

<sup>1</sup>OJ L088, 29.3.2007, p.1

*Notice of the making of this Statutory Instrument was published in  
“Iris Oifigiúil” of 28th October, 2016.*

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

6. A person who fails to comply with a direction given under Regulation 5 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 both.

7. 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.

8. (1) Proceedings for an offence under these Regulations in relation to an act committed outside the State may be taken in any place in the State and the offence may for all incidental purposes be treated as having been committed in that place.

(2) Where a person is charged with an offence referred to in paragraph (1), no further proceedings in the matter (other than any remand in custody or on bail) may be taken except by or with the consent of the Director of Public Prosecutions.

(3) In proceedings for an offence referred to in paragraph (1),

(a) a certificate purporting to be signed by an officer of the Department of Foreign Affairs and Trade and stating that a passport was issued by that Department to a person on a specified date, and

(b) a certificate that is signed by an officer of the Minister for Justice and Equality and stating that, to the best of the officer's knowledge and belief, the person has not ceased to be an Irish citizen,

is evidence that the person was an Irish citizen on the date on which the offence is alleged to have been committed, and is taken to have been signed by the person purporting to have signed it, unless the contrary is shown.

(4) A person who has been acquitted or convicted of an offence in a place outside the State shall not be proceeded against for an offence under these Regulations in relation to an act committed outside the State consisting of the conduct, or substantially the same conduct, that constituted the offence of which the person has been acquitted or convicted.

9. The European Union (Restrictive Measures concerning the Democratic People's Republic of Korea) Regulations 2016 (S.I. No. 79 of 2016) are revoked.

## SCHEDULE 1

### Council Regulation

1. Commission Regulation (EC) No 117/2008 of 28 January 2008<sup>2</sup>
2. Commission Regulation (EC) No 389/2009 of 12 May 2009<sup>3</sup>
3. Commission Regulation (EC) No 689/2009 of 29 July 2009<sup>4</sup>
4. Council Regulation (EU) No 1283/2009 of 22 December 2009<sup>5</sup>
5. Council Regulation (EU) No 567/2010 of 29 June 2010<sup>6</sup>
6. Commission Regulation (EU) No 1251/2010 of 22 December 2010<sup>7</sup>
7. Commission Implementing Regulation (EU) No 1355/2011 of 20 December 2011<sup>8</sup>
8. Commission Implementing Regulation (EU) No 137/2013 of 18 February 2013<sup>9</sup>
9. Council Regulation (EU) No 296/2013 of 26 March 2013<sup>10</sup>
10. Commission Implementing Regulation (EU) No 370/2013 of 22 April 2013<sup>11</sup>
11. Council Regulation (EU) No 517/2013 of 13 May 2013<sup>12</sup>
12. Council Regulation (EU) No 696/2013 of 22 July 2013<sup>13</sup>
13. Commission Implementing Regulation (EU) No 386/2014 of 14 April 2014<sup>14</sup>
14. Commission Implementing Regulation (EU) No 1059/2014 of 8 October 2014<sup>15</sup>
15. Commission Implementing Regulation (EU) 2015/1062 of 2 July 2015<sup>16</sup>

<sup>2</sup>OJ L 35, 9.2.2008, p.57

<sup>3</sup>OJ L 118, 13.5.2009, p.78

<sup>4</sup>OJ L 199, 31.7.2009, p.3

<sup>5</sup>OJ L 346, 23.12.2009, p.1

<sup>6</sup>OJ L 163, 30.6.2010, p.15

<sup>7</sup>OJ L 341, 23.12.2010, p.15

<sup>8</sup>OJ L 338, 21.12.2011, p.39

<sup>9</sup>OJ L 46, 19.2.2013, p.19

<sup>10</sup>OJ L 90, 28.3.2013, p.4

<sup>11</sup>OJ L 111, 23.4.2013, p.43

<sup>12</sup>OJ L 158, 10.6.2013, p.1

<sup>13</sup>OJ L 198, 23.7.2013, p.22

<sup>14</sup>OJ L 111, 15.4.2014, p.46

<sup>15</sup>OJ L 293, 9.10.2014, p.15

<sup>16</sup>OJ L 174, 3.7.2015, p.16

16. Commission Implementing Regulation (EU) 2016/315 of 4 March 2016<sup>17</sup>
17. Council Regulation (EU) 2016/465 of 31 March 2016<sup>18</sup>
18. Commission Implementing Regulation (EU) 2016/569 of 12 April 2016<sup>19</sup>
19. Commission Implementing Regulation (EU) 2016/659 of 27 April 2016<sup>20</sup>
20. Council Regulation (EU) 2016/682 of 29 April 2016<sup>21</sup>
21. Commission Implementing Regulation (EU) 2016/780 of 19 May 2016<sup>22</sup>
22. Council Regulation (EU) 2016/841 of 27 May 2016<sup>23</sup>
23. Council Regulation (EU) 2016/1333 of 4 August 2016<sup>24</sup>

<sup>17</sup>OJ L 60, 5.3.2016, p.62

<sup>18</sup>OJ L 85, 1.4.2016, p.1

<sup>19</sup>OJ L 97, 13.4.2016, p.6

<sup>20</sup>OJ L 114, 28.4.2016, p.9

<sup>21</sup>OJ L 117, 3.5.2016, p.1

<sup>22</sup>OJ L 131, 20.5.2016, p.55

<sup>23</sup>OJ L 141, 28.5.2016, p.36

<sup>24</sup>OJ L 212, 5.8.2016, p.1

**SCHEDULE 2**

*Part 1*

**Contravention of Provision of Council Regulation**

Article 2(1), (3) or (4)

Article 2a(1) or (2)

Article 3(1)

Article 3b

Article 4(1)

Article 4a(1)

Article 4b

Article 5(4)

Article 5a(1a), (1d) or (1e)

Article 5a(2)

Article 5b(1) or (2)

Article 5c(1), (2), (7) or (9)

Article 6(1), (2), (2a), (4), (5) or (6)

Article 6a

Article 9a

Article 9b(1)

Article 10(1)

Article 11a(1) or (4)

Article 11b(1)

Article 13a

*Part 2*

**Authorisation under Provision of Council Regulation**

Article 2(5) or (7)

Article 2a(3)

Article 3a(1) or (3)

Article 4(4)

Article 5a(1b) or (1f)

Article 5c(4)(a)

Article 7(1) or (2)

Article 8(1) or (2)

Article 8a(1), (2) or (4)

Article 11a(3) or (6)

Article 11b(2) or (3)



GIVEN under my Official Seal,  
25 October 2016.

MARY MITCHELL O'CONNOR,  
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 329/2007 as amended, regarding restrictive measures concerning Democratic People's Republic of Korea.

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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