



STATUTORY INSTRUMENTS.

S.I. No. 518 of 2017



EUROPEAN UNION (RESTRICTIVE MEASURES CONCERNING THE
DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA) (NO. 3)
REGULATIONS 2017

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I, FRANCES FITZGERALD, Minister for Business, 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 (EU) 2017/1509 of 30 August 2017¹, 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. 3) Regulations 2017.

2. (1) In these Regulations—

“Council Regulation” means Council Regulation (EU) 2017/1509 of 30 August 2017¹ 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

¹OJ L 224, 31.8.2017, p.1

*Notice of the making of this Statutory Instrument was published in
“Iris Oifigiúil” of 24th November, 2017.*

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) (No. 2) Regulations 2017 (S.I. No. 256 of 2017) are revoked.

Schedule 1

Council Regulation

1. Council Regulation (EU) 2017/1548 of 14 September 2017²
2. Council Implementing Regulation (EU) 2017/1568 of 15 September 2017³

²OJ L 237, 15.9.2017, p.39

³OJ L 238, 16.9.2017, p.10

Schedule 2

Part 1

Contravention of Provision of Council Regulation

Article 3(1)

Article 5(1) or (2)

Article 7(1)

Article 9(1)

Article 10(1)

Article 11

Article 12

Article 13

Article 15

Article 16a

Article 16b

Article 17(1) or (2)

Article 18(1)

Article 20(1)

Article 21(1) or (2)

Article 23(1)

Article 24

Article 26

Article 28(1) or (2)

Article 30

Article 31

Article 32

Article 34(1) or (3)

Article 38(4)

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Article 41(1)

Article 43

Article 50(1)

Article 52

Part 2

Authorisation under Provision of Council Regulation

Article 4(1) or (2)

Article 6(1)

Article 8(1) or (2)

Article 10(4)

Article 14

Article 16

Article 17a

Article 19(1) or (2)

Article 22(1) or (4)

Article 25(1)

Article 27(1)

Article 29(1) or (2)

Article 33(1)

Article 35(1) or (2)

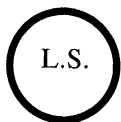
Article 36(1) or (2)

Article 40(1), (2) or (3)

Article 42

Article 44(1), (2) or (3)

Article 45



GIVEN under my Official Seal,
17 November 2017.

FRANCES FITZGERALD,
Minister for Business, 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) 2017/1509 as amended, regarding restrictive measures concerning Democratic Peoples 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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