



STATUTORY INSTRUMENTS.

S.I. No. 528 of 2013



EUROPEAN UNION (DEMOCRATIC REPUBLIC OF CONGO)
(FINANCIAL SANCTIONS) (NO. 2) REGULATIONS 2013

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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. 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 make the following regulations:

1. These Regulations may be cited as the European Union (Democratic Republic of Congo) (Financial Sanctions) (No. 2) Regulations 2013.

2. (1) In these Regulations—

“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) Commission 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,

(e) Commission Implementing Regulation (EU) No. 1097/2011 of 25 October 2011¹⁰,

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, 23.12.11, p. 11

¹⁰OJ No. L 285, 1.11.11, p. 2

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

- (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 these Regulations 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 these Regulations as it has in the Council Regulation concerned.

3. For the purposes of these Regulations, Council Regulation (EC) No. 889/2005 and Council Regulation (EC) No. 1183/2005 the Central Bank of Ireland shall be the competent authority in the State.

4. Subject to Regulation 5, a person who contravenes the provisions of Council Regulation (EC) No. 889/2005 or Council Regulation (EC) No. 1183/2005 as regards—

- (a) the provision of financing or financial assistance,
- (b) the freezing of funds or economic resources,
- (c) the making available of funds or economic resources,
- (d) the supply of information to or cooperation with the competent authorities, or
- (e) the participation in activities to circumvent the requirements of Council Regulation (EC) No. 889/2005 as regards paragraph (a) or Council Regulation (EC) No. 1183/2005 as regards paragraph (b), (c) or (d),

shall be guilty of an offence.

5. Notwithstanding Regulation 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, as the case may be, do such of the things as are so authorised.

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

6. A person guilty of an offence under Regulation 4 shall be 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.

7. The Central Bank of Ireland may, for the purposes of the administration and enforcement of Council Regulation (EC) No. 889/2005, Council Regulation (EC) No. 1183/2005 or these Regulations, give such directions or issue such instructions to a person as it sees fit.

8. A person who fails to comply with a direction given or an instruction issued under Regulation 7 shall be guilty of an offence and shall be liable on summary conviction to a class A fine or imprisonment for a term not exceeding 6 months or both.

9. Where a body corporate is guilty of an offence under these Regulations and the offence is proved to have been committed with the consent or connivance 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 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.

10. The European Union (Democratic Republic of Congo) (Financial Sanctions) Regulations 2013 (S.I. No. 51 of 2013) are 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.)

These Regulations provide for enforcement of European Union financial sanctions contained 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 are 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.

These Regulations also provide that the Central Bank of Ireland may issue instructions for the purpose of giving full effect to the financial sanctions.

They create 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.

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