



STATUTORY INSTRUMENTS.

**S.I. No. 558 of 2013**



EUROPEAN UNION (SOMALIA) (FINANCIAL SANCTIONS)  
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. 147/2003 of 27 January 2003<sup>1</sup>, as last amended by Council Regulation (EU) No. 1153/2013 of 15 November 2013<sup>2</sup>, and Council Regulation (EU) No. 356/2010 of 26 April 2010<sup>3</sup>, as last amended by Council Regulation (EU) No. 432/2013 of 13 May 2013<sup>4</sup>, hereby make the following regulations:

1. These Regulations may be cited as the European Union (Somalia) (Financial Sanctions) Regulations 2013.

2. (1) In these Regulations –

“Council Regulation (EC) No. 147/2003” means Council Regulation (EC) No. 147/2003 of 27 January 2003<sup>1</sup>, as amended by—

- (a) Council Regulation (EC) No. 631/2007 of 7 June 2007<sup>5</sup>,
- (b) Council Regulation (EU) No. 1137/2010 of 7 December 2010<sup>6</sup>,
- (c) Council Regulation (EU) No. 642/2012 of 16 July 2012<sup>7</sup>,
- (d) Council Regulation (EU) No. 941/2012 of 15 October 2012<sup>8</sup>,
- (e) Council Regulation (EU) No. 431/2013 of 13 May 2013<sup>9</sup>, and
- (f) Council Regulation (EU) No. 1153/2013 of 15 November 2013<sup>2</sup>.

“Council Regulation (EU) No. 356/2010” means Council Regulation (EU) No. 356/2010 of 26 April 2010<sup>3</sup>, as amended by—

- (a) Council Implementing Regulation (EU) No. 956/2011 of 26 September 2011<sup>10</sup>,

<sup>1</sup>OJ No. L 24, 29.1.03, p. 2

<sup>2</sup>OJ No. L 306, 16.11.13, p. 1

<sup>3</sup>OJ No. L 105, 27.4.10, p. 1

<sup>4</sup>OJ No. L 129, 14.5.13, p. 15

<sup>5</sup>OJ No. L 146, 8.6.07, p. 1

<sup>6</sup>OJ No. L 322, 8.12.10, p. 2

<sup>7</sup>OJ No. L 187, 17.7.12, p. 8

<sup>8</sup>OJ No. L 282, 16.10.12, p. 1

<sup>9</sup>OJ No. L 129, 14.5.13, p. 12

<sup>10</sup>OJ No. L 249, 27.9.11, p. 1

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

- (b) Council Regulation (EU) No. 641/2012 of 16 July 2012<sup>11</sup>,
- (c) Council Implementing Regulation (EU) No. 943/2012 of 15 October 2012<sup>12</sup>, and
- (d) Council Regulation (EU) No. 432/2013 of 13 May 2013<sup>4</sup>.

(2) A word or expression used in these Regulations that is also used in Council Regulation (EC) No. 147/2003 or Council Regulation (EU) No. 356/2010 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 and the Council Regulations 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. 147/2003 or Council Regulation (EU) No. 356/2010 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. 147/2003 as regards paragraph (a) or (d) or of Council Regulation (EU) No. 356/2010 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 2a or 3 of Council Regulation (EC) No. 147/2003 or an authorisation under Article 5 or 6 of Council Regulation (EU) No. 356/2010 may, subject to compliance with the terms and conditions of such authorisation, do such of the things as are so authorised.

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.

<sup>11</sup>OJ No. L 187, 17.7.12, p. 3

<sup>12</sup>OJ No. L 282, 16.10.12, p. 6

7. A competent authority of the State may, for the purposes of the administration and enforcement of Council Regulation (EC) No. 147/2003, Council Regulation (EU) No. 356/2010 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 to 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 is liable to be proceeded against and punished as if he or she were guilty of the first mentioned offence.

10. The European Union (Somalia) (Financial Sanctions) (No. 2) Regulations 2012 (S.I. No. 426 of 2012) 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 financial sanctions contained in Council Regulation (EC) No. 147/2003 of 27 January 2003 as amended, concerning restrictive measures against Somalia. The prohibition is in respect of the provision of financing or financial assistance related to military activities in Somalia, with exemptions in respect of support for the African Union Mission to Somalia (AMISOM). Council Regulation (EU) No. 356/2010 of 26 April 2010 provides for an asset freeze in respect of listed persons and entities and a ban on the provision of certain services, including financial services, to those persons or entities.

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 with regard to implementation of the sanctions and they provide for appropriate penalties.

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