



STATUTORY INSTRUMENTS

S.I. No. 64 of 2008



EUROPEAN COMMUNITIES (DEMOCRATIC PEOPLE'S REPUBLIC
OF KOREA) (FINANCIAL SANCTIONS) REGULATIONS 2008

(Prn. A8/0351)

EUROPEAN COMMUNITIES (DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA) (FINANCIAL SANCTIONS) REGULATIONS 2008

I, BRIAN COWEN, 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 further effect to Council Regulation (EC) No. 329/2007 of 27 March 2007¹, as amended, hereby make the following regulations:

1. These Regulations may be cited as the European Communities (Democratic People's Republic of Korea) (Financial Sanctions) Regulations 2008.

2. (1) In these Regulations "Council Regulation" means Council Regulation (EC) No. 329/2007 of 27 March 2007¹, as amended by Commission Regulation (EC) No. 117/2008 of 28 January 2008².

(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. Subject to Regulation 4, a person who fails to comply with the requirements of the Council Regulation as regards—

(a) the providing or making available of financing or financial assistance prohibited,

(b) the participation in activities to circumvent paragraph (a) prohibited,

commits an offence.

4. A person who has received an authorisation under Article 5 of the Council Regulation may, subject to compliance with the terms and conditions of it, do such of the things referred to in Regulation 3 as are so authorised.

5. The Central Bank and Financial Services Authority of Ireland may, for the purposes of the administration and enforcement of the provisions of these Regulations, give such directions or issue such instructions to a person as it sees fit.

6. A person who fails to comply with a direction or an instruction issued under Regulation 5 commits an offence.

¹OJ L88, 29.3.2007, p.1.

²OJ L35, 9.2.2008, p.57.

Notice of the making of this Statutory Instrument was published in "Iris Oifigiúil" of 14th March, 2008.

7. Where an offence under these Regulations is committed by a body corporate and is proved to have been so committed with the consent, connivance or approval of or to have been attributable to the 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 any such capacity, that person as well as the body corporate, commits an offence and is liable to be proceeded against and punished as if he or she committed the first mentioned offence.

8. A person guilty of an offence under these Regulations is liable—

(a) on summary conviction, to a fine not exceeding €5,000 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.

9. The European Communities (Democratic People's Republic of Korea) (Financial Sanctions) Regulations 2007 (S.I. No. 645 of 2007) are revoked.



GIVEN under my Official Seal
10 March 2008

BRIAN COWEN
Minister for Finance

EXPLANATORY NOTE

(This note is not part of the Statutory Instrument and does not purport to be a legal interpretation).

These Regulations provide for enforcement of financial sanctions contained in Council Regulation (EC) No. 329/2007 of 27 March 2007 concerning restrictive measures against the Democratic People's Republic of Korea (North Korea). The sanctions include a prohibition on the provision of financial assistance related to the export of certain military equipment to North Korea and to the sale of certain luxury goods to North Korea.

These Regulations also provide that the Central Bank and Financial Services Authority of Ireland (CBFSAI) 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 CBFSAI with regard to implementation of the sanctions and they provide for appropriate penalties.

Commission Regulation (EC) No. 117/2008 of 28 January 2008 amends Council Regulation (EC) No. 329/2007 of 27 March 2007 to present goods and technology which are subject to the ban and to amend website addresses providing information on the relevant Competent Authorities in certain EU Member States.

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