



STATUTORY INSTRUMENTS

S.I. No. 6 of 2009



FINANCIAL TRANSFERS (IRAQ) (PROHIBITION) ORDER 2008

(Prn. A9/0046)

FINANCIAL TRANSFERS (IRAQ) (PROHIBITION) ORDER 2008

I, BRIAN LENIHAN, Minister for Finance, in exercise of the powers conferred on me by section 4 of the Financial Transfers Act 1992 (No. 27 of 1992) and for the purpose of giving full effect to Council Regulation (EC) No. 1210/2003 of 7 July 2003¹, as amended, hereby order as follows:

1. This Order may be cited as the Financial Transfers (Iraq) (Prohibition) Order 2008.

2. (1) In this Order—

“Council Regulation” means Council Regulation (EC) No. 1210/2003 of 7 July 2003¹, as amended by—

- (i) Council Regulation (EC) No. 1799/2003 of 13 October 2003²,
- (ii) Commission Regulation (EC) No. 2119/2003 of 2 December 2003³,
- (iii) Commission Regulation (EC) No. 2204/2003 of 17 December 2003⁴,
- (iv) Commission Regulation (EC) No. 924/2004 of 29 April 2004⁵,
- (v) Commission Regulation (EC) No. 979/2004 of 14 May 2004⁶,
- (vi) Commission Regulation (EC) No. 1086/2004 of 9 June 2004⁷,
- (vii) Council Regulation (EC) No. 1412/2004 of 3 August 2004⁸,
- (viii) Commission Regulation (EC) No. 1087/2005 of 8 July 2005⁹,
- (ix) Commission Regulation (EC) No. 1286/2005 of 3 August 2005¹⁰,
- (x) Commission Regulation (EC) No. 785/2006 of 23 May 2006¹¹, and
- (xi) Council Regulation (EC) No. 195/2008 of 3 March 2008¹².

¹OJ No. L.169, 8.7.03, p.6.

²OJ No. L.264, 15.10.03, p.12.

³OJ No. L.318, 3.12.03, p.9.

⁴OJ No. L.330, 18.12.03, p.7.

⁵OJ No. L.163, 30.4.04, p.100.

⁶OJ No. L.180, 15.5.04, p.9.

⁷OJ No. L.207, 10.6.04, p.10.

⁸OJ No. L.257, 4.8.04, p.1.

⁹OJ No. L.177, 9.7.05, p.32.

¹⁰OJ No. L.203, 4.8.05, p. 17.

¹¹OJ No. L.138, 25.5.06, p.7.

¹²OJ No. L.59, 4.3.08, p.1.

*Notice of the making of this Statutory Instrument was published in
“Iris Oifigiúil” of 16th January, 2009.*

(2) A word or expression which is used in this Order and which is also used in the Council Regulation has, unless the context otherwise requires, the same meaning in this Order as it has in the Council Regulation.

3. A person shall not make a financial transfer between the State and another country the effect of which would be to enable or facilitate, directly or indirectly, the doing of any thing which is a breach of the Council Regulation.

4. Notwithstanding Article 3 of this Order, a person who has received an authorisation under Article 6 of the Council Regulation may, subject to compliance with the terms and conditions of such authorisation, do such of the things referred to in Article 3 of this Order as are so authorised.

5. The Central Bank and Financial Services Authority of Ireland may, for the purpose of supervision of financial transfers and for the administration and enforcement of the provisions of this Order, give such directions or issue such instructions to a person as it sees fit.

6. A person to whom a direction has been given or an instruction issued under Article 5 of this Order shall comply with such direction or instruction.

7. A person shall not do anything to directly or indirectly assist in the circumvention of the provisions of this Order.

8. The Financial Transfers (Iraq) (Prohibition) Order 2006 (S.I. No. 423 of 2006) is revoked.



GIVEN under my Official Seal,
12 January 2009

BRIAN LENIHAN,
Minister for Finance.

EXPLANATORY NOTE

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

This Order provides for enforcement of financial sanctions prohibiting financial transfers between the State and another country, as outlined in Council Regulation (EC) No. 1210/2003 of 7 July 2003, as amended, concerning restrictive measures against Iraq.

The sanctions include:

- a provision that proceeds from the sale of petroleum, petroleum products and natural gas from Iraq are deposited into the development fund for Iraq;
- a prohibition on the import or export of Iraqi cultural property into or from the Community, if they have been removed from Iraq;
- the freezing of funds and economic resources of the previous Government of Iraq or of named public bodies and corporations associated with it; and
- the freezing of funds and economic resources of former Iraqi President Saddam Hussein, his immediate family and his officials and close associates and their families, as listed under the Council Regulation.

The Order provides that the Central Bank and Financial Services Authority of Ireland may issue instructions for the purpose of giving full effect to the financial sanctions and requires compliance with such instructions.

The Financial Transfers Act 1992 allows for control of financial transfers between the State and other countries, creates an offence for breach of the provisions of any Order made under it and provides for appropriate penalties.

The most recent update to EU Financial Sanctions against Iraq is contained in Council Regulation (EC) No. 195/2008 of 3 March 2008, which extends the provision on legal immunities to 31 December 2008 and contains some technical amendments.

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