



STATUTORY INSTRUMENTS

**S.I. No. 181 of 2009**



EUROPEAN COMMUNITIES (RESTRICTIVE MEASURES)  
(BURMA/MYANMAR) REGULATIONS 2009

**(Prn. A9/0659)**

EUROPEAN COMMUNITIES (RESTRICTIVE MEASURES)  
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I, MARY COUGHLAN, Minister for Enterprise, Trade and Employment, 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. 194/2008 of 25 February 2008<sup>1</sup>, hereby make the following regulations:

1. These Regulations may be cited as the European Communities (Restrictive Measures) (Burma/Myanmar) Regulations 2009.

2. (1) In these Regulations “Council Regulation” means Council Regulation (EC) No. 194/2008 of 25 February 2008<sup>2</sup> as amended by Commission Regulation (EC) No. 385/2008 of 29 April 2008<sup>3</sup> and the Corrigendum to that Regulation<sup>4</sup>.

(2) A word or expression used in these Regulations 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. A person who contravenes Article 2 of the Council Regulation commits an offence.

4. (1) Subject to paragraph (2), a person who contravenes Article 4 of the Council Regulation commits an offence.

(2) Paragraph (1) shall not apply where an authorisation referred to in Article 9(1) of the Council Regulation has been given in respect of Article 4 of the Council Regulation and the person to whom it is given complies with the authorisation and the terms and conditions of it.

5. (1) Subject to paragraph (2), a person who contravenes Article 5 of the Council Regulation commits an offence.

(2) Paragraph (1) shall not apply where an authorisation referred to in Article 5, or Article 9(2), of the Council Regulation has been granted and the person to whom it is granted complies with the authorisation and the terms and conditions of it.

6. (1) Subject to paragraph (3), a person who contravenes Article 7(1)(a) of the Council Regulation commits an offence.

<sup>1</sup>OJ No. L66, 10.3.08, p.1.

<sup>2</sup>OJ No. L66, 10.3.08, p.1.

<sup>3</sup>OJ No. L116, 30.4.08, p.5.

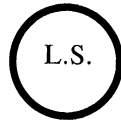
<sup>4</sup>OJ No. L198, 26.7.08, p.74.

*Notice of the making of this Statutory Instrument was published in  
“Iris Oifigiúil” of 15th May, 2009.*

- (2) Subject to paragraph (4), a person who contravenes Article 7(2)(a) of the Council Regulation commits an offence.
- (3) Paragraph (1) shall not apply where an authorisation referred to in Article 9(3) of the Council Regulation has been granted in respect of Article 7(1)(a) of the Council Regulation and the person to whom it is granted complies with the authorisation and the terms and conditions of it.
- (4) Paragraph (2) shall not apply where an authorisation referred to in Article 9(1) of the Council Regulation has been granted in respect of Article 7(2)(a) of the Council Regulation and the person to whom it is granted complies with the authorisation and the terms and conditions of it.
7. A person who contravenes Article 7(5) of the Council Regulation, in so far as it relates to paragraphs 1 and 2 of Article 7 of the Council Regulations, commits an offence.
8. (1) Subject to paragraph (2), a person who contravenes Article 8 of the Council Regulation commits an offence.
- (2) Paragraph (1) shall not apply where an authorisation referred to in Article 8, or Article 9(2), of the Council Regulation has been granted in respect of Article 8 of the Council Regulation and the person to whom it is granted complies with the authorisation and the terms and conditions of it.
9. A person who contravenes Article 16 of the Council Regulation, in so far as it relates to an Article of the Council Regulation referred to in these Regulations, commits an offence.
10. The Department of Enterprise, Trade and Employment is designated as the competent authority for the purposes of these Regulations and the provisions of the Council Regulation with which these Regulations are concerned.
11. A person who is 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 6 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.
12. 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 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 any such capacity, that person as well as the body corporate, shall 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.

13. Summary proceedings for an offence under these Regulations may be brought and prosecuted by the Minister for Enterprise, Trade and Employment.

14. The European Communities (Restrictive Measures) (Burma/Myanmar) Regulations 2006 (S.I. No. 473 of 2006) are revoked.



GIVEN under my Official Seal,  
12 May 2009

MARY COUGHLAN.  
Minister for Enterprise, Trade and Employment.

## EXPLANATORY NOTE

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

The effect of this Order is to provide for penalties for infringements of Council Regulation (EC) No. 194/2008 concerning the further renewal of certain restrictive measures which include, a ban on technical assistance and the provision of finance relating to military activities and the sale, supply, transfer or export of equipment that might be used for internal repression in respect of Burma/Myanmar and to repeal European Communities (Restrictive Measures) (Burma/Myanmar) Regulations 2006 (S.I. No. 473 of 2006).

BAILE ÁTHA CLIATH  
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR  
Le ceannach díreach ón  
OIFIG DHÍOLTA FOILSEACHÁN RIALTAIS,  
TEACH SUN ALLIANCE, SRÁID THEACH LAIGHEAN, BAILE ÁTHA CLIATH 2,  
nó tríd an bpost ó  
FOILSEACHÁIN RIALTAIS, AN RANNÓG POST-TRÁCHTA,  
AONAD 20 PÁIRC MIONDÍOLA COIS LOCHA, CLÁR CHLAINNE MHUIRIS,  
CONTAE MHAIGH EO,  
(Teil: 01 - 6476834 nó 1890 213434; Fax: 094 - 9378964 nó 01 - 6476843)  
nó trí aon díoltóir leabhar.

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