



STATUTORY INSTRUMENTS.

S.I. No. 362 of 2009



EUROPEAN COMMUNITIES (ZIMBABWE)
(FINANCIAL SANCTIONS) REGULATIONS 2009

(Prn. A9/1275)

EUROPEAN COMMUNITIES (ZIMBABWE)
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I, BRIAN LENIHAN, 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. 314/2004 of 19 February 2004¹, as amended, hereby make the following regulations:

1. These Regulations may be cited as the European Communities (Zimbabwe) (Financial Sanctions) Regulations 2009.

2. (1) In these Regulations—

“Council Regulation” means Council Regulation (EC) No. 314/2004 of 19 February 2004¹ together with the Addendum to that Regulation², as amended by—

(a) Commission Regulation (EC) No. 1488/2004 of 20 August 2004³,

(b) Commission Regulation (EC) No. 1367/2005 of 19 August 2005⁴,

(c) Council Regulation (EC) No. 1791/2006 of 20 November 2006⁵, and

(d) Commission Regulation (EC) No. 77/2009 of 26 January 2009⁶, together with both Corrigenda⁷ thereto.

(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 commits an offence if he or she infringes the provisions of the Council Regulation 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,

¹OJ No. L.55, 24.2.04, p.1.

²OJ No. L.57, 25.2.04, p.1.

³OJ No. L.273, 21.8.04, p.12.

⁴OJ No. L.216, 20.8.05, p.6.

⁵OJ No. L.363, 20.12.06, p.1.

⁶OJ No. L.23, 27.1.09, p.5.

⁷OJ No. L.46, 17.2.09, p.79; OJ No. L.75, 21.3.09, p.28.

*Notice of the making of this Statutory Instrument was published in
“Iris Oifigiúil” of 11th September, 2009.*

- (d) the supply of information to or cooperation with the competent authorities, or
- (e) the participation in activities to circumvent the requirements of the Council Regulation as regards paragraph (a), (b), (c) or (d).

4. Notwithstanding Regulation 3, a person who has received an authorisation under Article 4 or Article 7 of the Council Regulation may, subject to compliance with the terms and conditions of such authorisation, 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.

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 (Zimbabwe) (Financial Sanctions) Regulations 2008 (S.I. No. 454 of 2008) are revoked.



GIVEN under my Official Seal,
9 September 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).

These Regulations provide for enforcement of financial sanctions contained in Council Regulation (EC) No. 314/2004 of 19 February 2004, as amended, concerning restrictive measures against Zimbabwe.

The sanctions include a prohibition on financing or financial assistance related to a) military activities in Zimbabwe and b) the supply of equipment which may be used for internal repression in Zimbabwe. The sanctions also include the freezing of funds and economic resources belonging to named members of the Government of Zimbabwe and to their families and close associates, the purpose of the sanctions being to encourage the persons targeted to reject policies that lead to the suppression of human rights, of freedom of expression and of good governance.

The most recent amendment to the Council Regulation is contained in Commission Regulation (EC) No. 77/2009 of 26 January 2009 which replaces the asset-freeze list.

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.

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PUBLISHED BY THE STATIONERY OFFICE
To be purchased directly from the
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€2.54

