



STATUTORY INSTRUMENTS.

S.I. No. 397 of 2009

EUROPEAN COMMUNITIES (UZBEKISTAN) (FINANCIAL
SANCTIONS) REGULATIONS 2009

(Prn. A9/1358)

EUROPEAN COMMUNITIES (UZBEKISTAN) (FINANCIAL
SANCTIONS) REGULATIONS 2009

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. 1859/2005 of 14 November 2005¹, as amended, hereby make the following regulations:

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

2. (1) In these Regulations—

“Council Regulation” means Council Regulation (EC) No. 1859/2005 of 14 November 2005¹, as amended by—

(a) Council Regulation (EC) No. 1791/2006 of 20 November 2006², and

(b) Council Regulation (EC) No. 154/2009 of 23 February 2009³.

(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—

(a) infringes, or

(b) participates in activities in order to circumvent,

the provisions of the Council Regulation as regards the provision of financing or financial assistance.

4. Notwithstanding Regulation 3, a person who has received an authorisation under Article 4 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.

¹ OJ No. L.299, 16.11.05, p.23.

² OJ No. L.363, 20.12.06, p.1.

³ OJ No. L.51, 24.2.09, p.3.

*Notice of the making of this Statutory Instrument was published in
“Iris Oifigiúil” of 2nd October, 2009.*

6. A person who fails to comply with a direction or an instruction issued under Regulation 5 shall be guilty of 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 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.

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 (Uzbekistan) (Financial Sanctions) Regulations 2005 (S.I. No. 902 of 2005) are revoked.



GIVEN under my Official Seal,
28 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. 1859/2005 of 14 November 2005, as amended, concerning restrictive measures against Uzbekistan. The sanctions include a prohibition on financial assistance related to military activities or equipment that might be used for internal repression in Uzbekistan.

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.

The European Communities (Uzbekistan) (Financial Sanctions) Regulations 2005 (S.I. No. 902 of 2005) are revoked.

The most recent update to EU Financial Sanctions against Uzbekistan is contained in Commission Regulation (EC) No. 154/2009 of 23 February 2009, which amends the list of equipment which might be used for internal repression.

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