



STATUTORY INSTRUMENTS.

S.I. No. 534 of 2013



FINANCIAL TRANSFERS (AFGHANISTAN) (PROHIBITION) ORDER
2013

FINANCIAL TRANSFERS (AFGHANISTAN) (PROHIBITION) ORDER
2013

I, MICHAEL NOONAN, 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 (EU) No. 753/2011 of 1 August 2011¹, as last amended by Council Implementing Regulation (EU) No. 451/2013 of 16 May 2013², hereby order as follows:

1. This Order may be cited as the Financial Transfers (Afghanistan) (Prohibition) Order 2013.

2. (1) In this Order “Council Regulation” means Council Regulation (EU) No. 753/2011 of 1 August 2011¹ as amended by—

- (a) Council Implementing Regulation (EU) No. 968/2011 of 29 September 2011³,
- (b) Council Implementing Regulation (EU) No. 1049/2011 of 20 October 2011⁴,
- (c) Council Implementing Regulation (EU) No. 263/2012 of 23 March 2012⁵,
- (d) Council Implementing Regulation (EU) No. 543/2012 of 25 June 2012⁶,
- (e) Council Implementing Regulation (EU) No. 643/2012 of 16 July 2012⁷,
- (f) Council Implementing Regulation (EU) No. 705/2012 of 1 August 2012⁸,
- (g) Council Implementing Regulation (EU) No. 1139/2012 of 3 December 2012⁹,
- (h) Council Implementing Regulation (EU) No. 1244/2012 of 20 December 2012¹⁰,

¹OJ No. L 199, 2.8.11, p. 1

²OJ No. L 133, 17.5.13, p. 1

³OJ No. L 257, 1.10.11, p. 1

⁴OJ No. L 276, 21.10.11, p. 2

⁵OJ No. L 87, 24.3.12, p. 1

⁶OJ No. L 165, 26.6.12, p. 5

⁷OJ No. L 187, 17.7.12, p. 13

⁸OJ No. L 206, 2.8.12, p. 5

⁹OJ No. L 332, 4.12.12, p. 1

¹⁰OJ No. L 352, 21.12.12, p. 13

*Notice of the making of this Statutory Instrument was published in
“Iris Oifigiúil” of 3rd January, 2014.*

- (i) Council Implementing Regulation (EU) No. 86/2013 of 31 January 2013¹¹,
- (j) Council Implementing Regulation (EU) No. 261/2013 of 21 March 2013¹², and
- (k) Council Implementing Regulation (EU) No. 451/2013 of 16 May 2013².

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

3. Subject to Article 4, 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 contravention of the Council Regulation.

4. Notwithstanding Article 3, a person who has been granted or is deemed to have been granted an authorisation under Article 5 of the Council Regulation may, subject to compliance with the terms and conditions of such authorisation, do such of the things as are so authorised.

5. A competent authority of the State may, for the purpose of supervision of financial transfers and for the administration and enforcement of the provisions of the Council Regulation or 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 (Afghanistan) (Prohibition) Order 2012 (S.I. No. 132 of 2012) is revoked.



GIVEN under my Official Seal,
18 December 2013.

MICHEAL NOONAN,
Minister for Finance.

¹¹OJ No. L 32, 1.2.13, p. 5

¹²OJ No. L 82, 22.3.13, p. 18

EXPLANATORY NOTE

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

This Order provides for penalties to aid the enforcement of financial sanctions against certain persons and entities associated with the Taliban in Afghanistan imposed by Council Regulation (EU) No. 753/2011 of 1 August 2011, as amended. Most of the persons listed were previously listed under Council Regulation (EC) No. 881/2002 of 27 May 2002.

This Order provides that the Central Bank of Ireland may issue instructions for the purpose of giving full effect to the financial sanctions.

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