



STATUTORY INSTRUMENTS.

S.I. No. 381 of 2015



EUROPEAN UNION (RESTRICTIVE MEASURES CONCERNING
AFGHANISTAN) (NO. 2) REGULATIONS 2015

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I, MICHEAL NOONAN, 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 (EU) No. 753/2011 of 1 August 2011¹ as amended hereby make the following regulations:

1. These Regulations may be cited as the European Union (Restrictive Measures concerning Afghanistan) (No. 2) Regulations 2015.

2. (1) In these Regulations—

“Council Regulation” means Council Regulation (EU) No. 753/2011 of 1 August 2011¹ as amended by the European acts specified in Schedule 1;

“European act” means an act adopted by an institution of the European Union or an institution of the European Communities.

(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) A reference in these Regulations to an Article is to an Article of the Council Regulation.

3. A person who contravenes a provision of the Council Regulation specified in Schedule 2 commits an offence.

4. Notwithstanding Regulation 3, a person who has received an authorisation under Article 5(1) or (2) may, subject to compliance with the terms and conditions of such authorisation, do such of the things as are so authorised.

5. (1) A person who is guilty of an offence under Regulation 3 shall be liable—

(a) on summary conviction, to a class A fine or to imprisonment for a term not exceeding 12 months or both, or

(b) on conviction on indictment, to a fine not exceeding €500,000 or to imprisonment for a term not exceeding 3 years or both.

6. Any competent authority, following such consultation as it considers necessary with the other competent authorities, for the purposes of the administration

¹OJ No. L 199, 2.8.2011, p. 1

*Notice of the making of this Statutory Instrument was published in
“Iris Oifigiúil” of 11th September, 2015.*

and enforcement of the Council Regulation or these Regulations, may give in writing such directions to a person as it sees fit.

7. A person who fails to comply with a direction given under Regulation 6 within the time specified in the direction shall be guilty of an offence and shall be liable on summary conviction, to a class A fine or to imprisonment for a term not exceeding 6 months or to both.

8. Where an offence under these Regulations is committed by a body corporate and is proved to have been so committed with the consent or connivance of or to be 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 such capacity, that person shall, as well as the body corporate, 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.

9. The European Union (Restrictive Measures concerning Afghanistan) Regulations 2015 (S.I. No. 71 of 2015) are revoked.

SCHEDULE 1

Regulation 2

Council Regulation

1. Council Implementing Regulation (EU) No. 968/2011 of 29 September 2011²
2. Council Implementing Regulation (EU) No. 1049/2011 of 20 October 2011³
3. Council Implementing Regulation (EU) No. 263/2012 of 23 March 2012⁴
4. Council Implementing Regulation (EU) No. 543/2012 of 25 June 2012⁵
5. Council Implementing Regulation (EU) No. 643/2012 of 16 July 2012⁶
6. Council Implementing Regulation (EU) No. 705/2012 of 1 August 2012⁷
7. Council Implementing Regulation (EU) No. 1139/2012 of 3 December 2012⁸
8. Council Implementing Regulation (EU) No. 1244/2012 of 20 December 2012⁹
9. Council Implementing Regulation (EU) No. 86/2013 of 31 January 2013¹⁰
10. Council Implementing Regulation (EU) No. 261/2013 of 21 March 2013¹¹
11. Council Implementing Regulation (EU) No. 451/2013 of 16 May 2013¹²
12. Council Regulation (EU) No. 517/2013 of 13 May 2013¹³
13. Council Implementing Regulation (EU) No. 261/2014 of 14 March 2014¹⁴
14. Council Implementing Regulation (EU) No. 263/2014 of 14 March 2014¹⁵
15. Council Implementing Regulation (EU) No. 1057/2014 of 8 October 2014¹⁶
16. Council Implementing Regulation (EU) No. 2015/1322 of 31 July 2015¹⁷

²OJ No. L 257, 1.10.2011, p. 1

³OJ No. L 276, 21.10.2011, p. 2

⁴OJ No. L 87, 24.3.2012, p. 1

⁵OJ No. L 165, 26.6.2012, p. 15

⁶OJ No. L 187, 17.7.2012, p. 13

⁷OJ No. L 206, 2.8.2012, p. 5

⁸OJ No. L 332, 4.12.2012, p. 1

⁹OJ No. L 352, 21.12.2012, p. 13

¹⁰OJ No. L 32, 1.2.2013, p. 5

¹¹OJ No. L 82, 22.3.2013, p. 18

¹²OJ No. L 133, 17.5.2013, p. 1

¹³OJ No. L 158, 10.6.2013, p. 1

¹⁴OJ No. L 76, 15.3.2014, p. 6

¹⁵OJ No. L 76, 15.3.2014, p. 11

¹⁶OJ No. L 293, 9.10.2014, p. 1

¹⁷OJ No. L 206, 1.8.2015, p. 1

SCHEDULE 2

Regulation 3

Provision of Council Regulation

Article 2

Article 3

Article 8(1)



GIVEN under my Official Seal,
4 September 2015.

MICHAEL NOONAN,
Minister for Finance.

EXPLANATORY NOTE

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

These Regulations provide for the enforcement of restrictive measures contained in Council Regulation (EU) No. 753/2011 as amended, regarding restrictive measures concerning Afghanistan.

The Regulations provide that competent authorities of the State may issue directions for the purpose of giving full effect to the sanctions.

The Regulations create offences for breach of the Council Regulations or for failure to comply with the directions of competent authorities of the State with regard to implementation of the sanctions and provides for appropriate penalties.

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