



STATUTORY INSTRUMENTS.

S.I. No. 688 of 2021



EUROPEAN UNION (RESTRICTIVE MEASURES CONCERNING
BELARUS) (NO. 5) REGULATIONS 2021

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I, PASCHAL DONOHOE, 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. 765/2006 of 18 May 2006¹, as amended, hereby make the following regulations:

1. These Regulations may be cited as the European Union (Restrictive Measures concerning Belarus) (No. 5) Regulations 2021.

2. (1) In these Regulations -

“Council Regulation” means Council Regulation (EC) No. 765/2006 of 18 May 2006¹, 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. (1) A person who contravenes a provision of the Council Regulation specified in Part 1 of Schedule 2 shall be guilty of an offence.

(2) A person who contravenes a condition of an authorisation granted under a provision of the Council Regulation specified in Part 2 of Schedule 2 shall be guilty of an offence.

4. 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.

5. A competent authority in the State, following such consultation as it considers necessary with other competent authorities, for the purposes of the

¹ OJ No. L 134, 20.5.2006, p. 1

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

6. A person who fails to comply with a direction given under Regulation 5 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 both.

7. 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.

8. (1) Proceedings for an offence under these Regulations in relation to an act committed outside the State may be taken in any place in the State and the offence may for all incidental purposes be treated as having been committed in that place.

(2) Where a person is charged with an offence referred to in paragraph (1), no further proceedings in the matter (other than any remand in custody or on bail) may be taken except by or with the consent of the Director of Public Prosecutions.

(3) In proceedings for an offence referred to in paragraph (1),

- (a) a certificate purporting to be signed by an officer of the Department of Foreign Affairs and stating that a passport was issued by that Department to a person on a specified date, and
- (b) a certificate that is signed by an officer of the Minister for Justice and stating that, to the best of the officer's knowledge and belief, the person has not ceased to be an Irish citizen,

is evidence that the person was an Irish citizen on the date on which the offence is alleged to have been committed, and is taken to have been signed by the person purporting to have signed it, unless the contrary is shown.

(4) A person who has been acquitted or convicted of an offence in a place outside the State shall not be proceeded against for an offence under these Regulations in relation to an act committed outside the State consisting of the conduct, or substantially the same conduct, that constituted the offence of which the person has been acquitted or convicted.

9. The European Union (Restrictive Measures concerning Belarus) (No.4) Regulations 2021 (S.I. No. 647 of 2021) are revoked.

Schedule 1
Council Regulation

1. Commission Regulation (EC) No. 1587/2006 of 23 October 2006²
2. Council Regulation (EC) No. 1791/2006 of 20 November 2006³
3. Council Regulation (EC) No. 646/2008 of 8 July 2008⁴
4. Council Regulation (EU) No. 84/2011 of 31 January 2011⁵
5. Council Implementing Regulation (EU) No. 271/2011 of 21 March 2011⁶
6. Council Implementing Regulation (EU) No. 505/2011 of 23 May 2011⁷
7. Council Regulation (EU) No. 588/2011 of 20 June 2011⁸
8. Council Regulation (EU) No. 999/2011 of 10 October 2011⁹
9. Council Implementing Regulation (EU) No. 1000/2011 of 10 October 2011¹⁰
10. Council Implementing Regulation (EU) No. 1320/2011 of 16 December 2011¹¹
11. Council Regulation (EU) No. 114/2012 of 10 February 2012¹²
12. Council Implementing Regulation (EU) No. 170/2012 of 28 February 2012¹³
13. Council Implementing Regulation (EU) No. 265/2012 of 23 March 2012¹⁴
14. Council Regulation (EU) No. 354/2012 of 23 April 2012¹⁵
15. Council Regulation (EU) No. 1014/2012 of 6 November 2012¹⁶
16. Council Implementing Regulation (EU) No. 1017/2012 of 6 November 2012¹⁷
17. Council Implementing Regulation (EU) No. 494/2013 of 29 May 2013¹⁸
18. Council Regulation (EU) No. 517/2013 of 13 May 2013¹⁹
19. Council Implementing Regulation (EU) No. 1054/2013 of 29 October 2013²⁰
20. Council Implementing Regulation (EU) No. 46/2014 of 20 January 2014²¹

² OJ No. L 294, 25.10.2006, p. 25

³ OJ No. L 363, 20.12.2006, p. 1

⁴ OJ No. L 180, 9.7.2008, p. 5

⁵ OJ No. L 28, 2.2.2011, p. 17

⁶ OJ No. L 76, 22.3.2011, p. 13

⁷ OJ No. L 136, 24.5.2011, p. 48

⁸ OJ No. L 161, 21.6.2011, p. 1

⁹ OJ No. L 265, 11.10.2011, p. 6

¹⁰ OJ No. L 265, 11.10.2011, p. 8

¹¹ OJ No. L 335, 17.12.2011, p. 15

¹² OJ No. L 38, 11.2.2012, p. 3

¹³ OJ No. L 55, 29.2.2012, p. 1

¹⁴ OJ No. L 87, 24.3.2012, p. 37

¹⁵ OJ No. L 113, 25.4.2012, p. 1

¹⁶ OJ No. L 307, 7.11.2012, p. 1

¹⁷ OJ No. L 307, 7.11.2012, p. 7

¹⁸ OJ No. L 143, 30.5.2013, p. 1

¹⁹ OJ No. L 158, 10.6.2013, p. 1

²⁰ OJ No. L 288, 30.10.2013, p. 1

21. Council Implementing Regulation (EU) No. 740/2014 of 8 July 2014²²
22. Council Implementing Regulation (EU) No. 1159/2014 of 30 October 2014²³
23. Council Implementing Regulation (EU) 2015/1133 of 13 July 2015²⁴
24. Council Implementing Regulation (EU) 2015/1326 of 31 July 2015²⁵
25. Council Regulation (EU) 2015/1948 of 29 October 2015²⁶
26. Council Implementing Regulation (EU) 2015/1949 of 29 October 2015²⁷
27. Council Implementing Regulation (EU) 2016/276 of 25 February 2016²⁸
28. Council Regulation (EU) 2016/277 of 25 February 2016²⁹
29. Council Regulation (EU) 2017/331 of 27 February 2017³⁰
30. Council Regulation (EU) 2018/275 of 23 February 2018³¹
31. Commission Implementing Regulation (EU) 2019/1163 of 5 July 2019³²
32. Council Implementing Regulation (EU) 2020/1387 of 2 October 2020³³
33. Council Implementing Regulation (EU) 2020/1648 of 6 November 2020³⁴
34. Council Implementing Regulation (EU) 2020/2129 of 17 December 2020³⁵
35. Council Implementing Regulation (EU) 2021/339 of 25 February 2021³⁶
36. Council Regulation (EU) 2021/907 of 4 June 2021³⁷
37. Council Regulation (EU) 2021/996 of 21 June 2021³⁸
38. Council Implementing Regulation (EU) 2021/997 of 21 June 2021³⁹
39. Council Implementing Regulation (EU) 2021/999 of 21 June 2021⁴⁰
40. Council Regulation (EU) 2021/1030 of 24 June 2021⁴¹
41. Council Regulation (EU) 2021/1985 of 15 November 2021⁴²
42. Council Regulation (EU) 2021/1986 of 15 November 2021⁴³

²¹ OJ No. L 16, 21.1.2014, p. 3

²² OJ No. L 200, 9.7.2014, p. 1

²³ OJ No. L 311, 31.10.2014, p. 2

²⁴ OJ No. L 185, 14.7.2015, p. 1

²⁵ OJ No. L 206, 1.8.2015, p. 16

²⁶ OJ No. L 284, 30.10.2015, p. 62

²⁷ OJ No. L 284, 30.10.2015, p. 71

²⁸ OJ No. L 52, 27.2.2016, p. 19

²⁹ OJ No. L 52, 27.2.2016, p. 22

³⁰ OJ No. L 50, 28.2.2017, p. 9

³¹ OJ No. L 54, 14.2.2018, p. 1

³² OJ No. L 182, 8.7.2019, p. 33

³³ OJ No. L 319I, 2.10.2020, p. 1

³⁴ OJ No. L 370I, 06.11.20, p. 1

³⁵ OJ No. L 426I, 17.12.2020, p. 1

³⁶ OJ No. L 68, 26.2.2021, p. 29

³⁷ OJ No. L 197I, 4.6.2021, p. 1

³⁸ OJ No. L 219I, 21.6.2021, p. 1

³⁹ OJ No. L 219I, 21.6.2021, p. 3

⁴⁰ OJ No. L 219I, 21.6.2021, p. 55

⁴¹ OJ No. L 224I, 24.6.2021, p. 1

⁴² OJ No. L 405, 16.11.2021, p. 1

⁴³ OJ No. L 405, 16.11.2021, p. 3

43. Council Implementing Regulation (EU) 2021/2124 of 2 December 2021⁴⁴

⁴⁴ OJ No. L 430 , 2.12.2021, p. 1

Schedule 2

Part 1

Contravention of Provision of Council Regulation

Article 1a(1)

Article 1b(1)

Article 1c(1)

Article 1d(1)

Article 1e(1)

Article 1f(1)

Article 1f(2)

Article 1g(1)

Article 1h(1)

Article 1i(1)

Article 1j

Article 1k(1)

Article 1l

Article 1m

Article 2(1)

Article 2(2)

Article 2(3)

Article 5(1)

Part 2

Authorisation under Provision of Council Regulation

Article 1a(3)

Article 1c(1)

Article 1c(2)

Article 1e(2)

Article 1k(3)

Article 3(1)

Article 3(2)

Article 4a

Article 4b



GIVEN under my Official Seal,
8 December, 2021.

PASCHAL DONOHOE,
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 (EC) No. 765/2006 as amended, regarding restrictive measures concerning Belarus.

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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