



STATUTORY INSTRUMENTS.

S.I. No. 538 of 2023

EUROPEAN UNION (RESTRICTIVE MEASURES IN RESPECT OF
MYANMAR/BURMA) (NO.4) REGULATIONS 2023

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MYANMAR/BURMA) (NO.4) REGULATIONS 2023

I, MICHAEL MCGRATH, 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. 401/2013 of 2 May 2013¹, hereby make the following regulations:

1. These Regulations may be cited as the European Union (Restrictive Measures in respect of Myanmar/Burma) (No.4) Regulations 2023.

2. (1) In these Regulations -

“Council Regulation” means Council Regulation (EU) No. 401/2013 of 2 May 2013¹ 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 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 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 administration and enforcement of the Council Regulation or these Regulations, may give in writing such directions to a person as it sees fit.

¹ OJ No. L 121, 3.5.2013, p. 1

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 in respect of Myanmar/Burma) (No.3) Regulations 2023 (S.I. No.385 of 2023) are revoked.

Schedule 1

Council Regulation

1. Council Regulation (EU) 2018/647 of 26 April 2018²
2. Council Implementing Regulation (EU) 2018/898 of 25 June 2018³
3. Council Implementing Regulation (EU) 2018/1117 of 10 August 2018⁴
4. Council Implementing Regulation (EU) 2018/2053 of 21 December 2018⁵
5. Council Implementing Regulation (EU) 2019/672 of 29 April 2019⁶
6. Commission Implementing Regulation (EU) 2019/1163 of 5 July 2019⁷
7. Council Implementing Regulation (EU) 2020/562 of 23 April 2020⁸
8. Council Regulation (EU) 2021/479 of 22 March 2021⁹
9. Council Implementing Regulation (EU) 2021/480 of 22 March 2021¹⁰
10. Council Implementing Regulation (EU) 2021/638 of 19 April 2021¹¹
11. Council Implementing Regulation (EU) 2021/706 of 29 April 2021¹²
12. Council Implementing Regulation (EU) 2021/998 of 21 June 2021¹³
13. Council Regulation (EU) 2022/238 of 21 February 2022¹⁴
14. Council Implementing Regulation (EU) 2022/239 of 21 February 2022¹⁵
15. Commission Implementing Regulation (EU) 2022/595 of 11 April 2022¹⁶
16. Council Implementing Regulation (EU) 2022/662 of 21 April 2022¹⁷
17. Council Implementing Regulation (EU) 2022/2177 of 8 November 2022¹⁸

² OJ No. L 108, 27.4.2018, p. 1

³ OJ No. L 160 I, 25.6.2018, p. 1

⁴ OJ No. L 204, 13.8.2018, p. 9

⁵ OJ No. L 327 I, 21.12.2018, p. 1

⁶ OJ No. L 114, 30.4.2019, p. 1

⁷ OJ No. L 182, 8.7.2019, p. 33

⁸ OJ No. L 130, 24.4.2020, p. 23

⁹ OJ No. L 99, 22.3.2021, p. 13

¹⁰ OJ No. L 99, 22.3.2021, p. 15

¹¹ OJ No. L 132, 19.4.2021, p. 1

¹² OJ No. L 147, 30.4.2021, p. 1

¹³ OJ No. L 219 I, 21.6.2021, p. 45

¹⁴ OJ No L 40, 21.02.2022, p. 8

¹⁵ OJ No. L 40, 21.2.2022, p. 10

¹⁶ OJ No. L 114, 12.4.2022, p. 60

¹⁷ OJ No. L 121, 22.4.2022, p. 1

¹⁸ OJ No. L 286I, 8.11.2022, p. 1

18. Council Implementing Regulation (EU) 2023/378 of 20 February 2023¹⁹
19. Council Implementing Regulation (EU) 2023/886 of 28 April 2023²⁰
20. Council Implementing Regulation (EU) 2023/1497 of 20 July 2023²¹
21. Council Implementing Regulation (EU) 2023/2435 of 26 October 2023²²

Schedule 2

Contravention of Provision of Council Regulation

Article 2

Article 3

Article 3a (1), (3), or (4).

Article 3b (1)

Article 3c (1)

Article 4a (1) or (2)

Article 4d (3) or (4)

Article 4e (1)

Article 4g

Article 4h (1)



GIVEN under my Official Seal,
9 November, 2023.

MICHAEL MCGRATH,
Minister for Finance.

¹⁹ OJ No. L 51I, 20.2.2023, p. 1

²⁰ OJ No. L 113I, 28.4.2023, p. 1

²¹ OJ No. L 183I, 20.7.2023, p.19

²² OJ L Series, 27.10.2023.

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. 401/2013 of 2 May 2013 as amended, regarding restrictive measures concerning Myanmar/Burma.

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 provide for appropriate penalties.

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