



STATUTORY INSTRUMENTS

S.I. No. 549 of 2008

FINANCIAL TRANSFERS (INTERNATIONAL CRIMINAL TRIBUNAL
FOR THE FORMER YUGOSLAVIA (ICTY)) (PROHIBITION) ORDER
2008

(Prn. A8/2002)

FINANCIAL TRANSFERS (INTERNATIONAL CRIMINAL TRIBUNAL
FOR THE FORMER YUGOSLAVIA (ICTY)) (PROHIBITION) ORDER
2008

I, BRIAN LENIHAN, 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 (EC) No. 1763/2004 of 11 October 2004¹, as amended, hereby order as follows:

1. This Order may be cited as the Financial Transfers (International Criminal Tribunal for the former Yugoslavia (ICTY)) (Prohibition) Order 2008.

2. (1) In this Order—

“Council Regulation” means Council Regulation (EC) No. 1763/2004 of 11 October 2004¹, as amended by—

- (a) Commission Regulation (EC) No. 1965/2004 of 15 November 2004²,
- (b) Commission Regulation (EC) No. 2233/2004 of 22 December 2004³,
- (c) Commission Regulation (EC) No. 295/2005 of 22 February 2005⁴,
- (d) Commission Regulation (EC) No. 607/2005 of 18 April 2005⁵ together with the Corrigendum to that Regulation⁶,
- (e) Commission Regulation (EC) No. 830/2005 of 30 May 2005⁷ together with the Corrigendum to that Regulation⁸,
- (f) Commission Regulation (EC) No. 1208/2005 of 27 July 2005⁹,
- (g) Commission Regulation (EC) No. 1636/2005 of 6 October 2005¹⁰,
- (h) Commission Regulation (EC) No. 23/2006 of 9 January 2006¹¹,
- (i) Commission Regulation (EC) No. 416/2006 of 10 March 2006¹²,
- (j) Commission Regulation (EC) No. 1053/2006 of 11 July 2006¹³,

¹OJ No. L.315, 14.10.04, p.14.

²OJ No. L.339, 16.11.04, p.4.

³OJ No. L.379, 24.12.04, p.75.

⁴OJ No. L.50, 23.2.05, p.5.

⁵OJ No. L.100, 20.4.05, p.17.

⁶OJ No. L.104, 23.4.05, p.46.

⁷OJ No. L.137, 31.5.05, p.24.

⁸OJ No. L.139, 2.6.05, p.29.

⁹OJ No. L.197, 28.7.05, p.19.

¹⁰OJ No. L.261, 7.10.05, p.20.

¹¹OJ No. L.5, 10.1.06, p.8.

¹²OJ No. L.72, 11.3.06, p.7.

¹³OJ No. L.189, 12.7.06, p.5.

*Notice of the making of this Statutory Instrument was published in
“Iris Oifigiúil” of 23rd December, 2008.*

- (k) Council Regulation (EC) No. 1791/2006 of 20 November 2006¹⁴,
- (l) Commission Regulation (EC) No. 789/2007 of 4 July 2007¹⁵,
- (m) Commission Regulation (EC) No. 738/2008 of 28 July 2008¹⁶, and
- (n) Commission Regulation (EC) No. 895/2008 of 12 September 2008¹⁷.

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

3. 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 breach of the Council Regulation.

4. Notwithstanding Article 3 of this Order, a person who has received an authorisation under Article 3 or 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 Article 3 of this Order as are so authorised.

5. The Central Bank and Financial Services Authority of Ireland may, for the purpose of supervision of financial transfers and for the administration and enforcement of the provisions of 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 (International Criminal Tribunal for the former Yugoslavia (ICTY)) (Prohibition) Order 2006 (S.I. No. 417 of 2006) is revoked.



GIVEN under my Official Seal,
12 December 2008

BRIAN LENIHAN,
Minister for Finance.

¹⁴OJ No. L.363, 20.12.06, p.1.

¹⁵OJ No. L.175, 5.7.07, p.27.

¹⁶OJ No. L.201, 30.7.08, p.33.

¹⁷OJ No. L.247, 16.9.08, p.19.

EXPLANATORY NOTE

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

This Order provides for enforcement of financial sanctions prohibiting financial transfers between the State and another country, as outlined in Council Regulation (EC) No. 1763/2004 of 11 October 2004, as amended, in support of the effective implementation of the mandate of the International Criminal Tribunal for the former Yugoslavia (ICTY). The sanctions control all dealings with funds and economic resources owned by persons indicted by the ICTY who are still at large and ban any support these persons might receive from within the Community.

The Council Regulation was amended in July and September 2008 to remove two persons from the asset-freeze list following their transfer to the custody of the ICTY.

The Order provides that the Central Bank and Financial Services Authority of Ireland may issue instructions for the purpose of giving full effect to the financial sanctions and requires compliance with such instructions.

The Financial Transfers Act 1992 allows for control of financial transfers between the State and other countries, creates an offence for breach of the provisions of any Order made under it and provides for appropriate penalties.

BAILE ÁTHA CLIATH
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