



STATUTORY INSTRUMENTS.

S.I. No. 396 of 2009



EUROPEAN COMMUNITIES (CÔTE D'IVOIRE) (FINANCIAL
SANCTIONS) REGULATIONS 2009

(Prn. A9/1357)

EUROPEAN COMMUNITIES (CÔTE D'IVOIRE) (FINANCIAL SANCTIONS) REGULATIONS 2009

I, BRIAN LENIHAN, 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. 174/2005 of 31 January 2005¹, as amended, and Council Regulation (EC) No. 560/2005 of 12 April 2005², as amended, hereby make the following regulations:

1. These Regulations may be cited as the European Communities (Côte d'Ivoire) (Financial Sanctions) Regulations 2009.

2. (1) In these Regulations—

“Council Regulation (EC) No. 174/2005” means Council Regulation (EC) No. 174/2005 of 31 January 2005¹, as amended by—

(a) Commission Regulation (EC) No. 1209/2005 of 27 July 2005³, and

(b) Council Regulation (EC) No. 1791/2006 of 20 November 2006⁴;

“Council Regulation (EC) No. 560/2005” means Council Regulation (EC) No. 560/2005 of 12 April 2005², as amended by—

(a) Council Regulation (EC) No. 1791/2006 of 20 November 2006⁴, and

(b) Commission Regulation (EC) No. 1240/2008 of 10 December 2008⁵.

(2) A word or expression which is used in these Regulations and which is also used in Council Regulation (EC) No. 174/2005 or in Council Regulation (EC) No. 560/2005 has, unless the context otherwise requires, the same meaning in these Regulations as it has in the Council Regulation concerned.

3. Subject to Regulation 4, a person commits an offence if he or she infringes the provisions of Council Regulation (EC) No. 174/2005 or Council Regulation (EC) No. 560/2005 as regards—

(a) the provision of financing or financial assistance,

(b) the freezing of funds or economic resources,

¹ OJ No. L29, 2.2.05, p.5.

² OJ No. L95, 14.4.05, p.1.

³ OJ No. L197, 28.7.05, p.21.

⁴ OJ No. L363, 20.12.06, p.1.

⁵ OJ No. L334, 12.12.08, p.60.

Notice of the making of this Statutory Instrument was published in “Iris Oifigiúil” of 2nd October, 2009.

- (c) the making available of funds or economic resources,
- (d) the supply of information to or cooperation with the competent authorities, or
- (e) the participation in activities to circumvent the requirements of Council Regulation (EC) No. 174/2005 or Council Regulation (EC) No. 560/2005 as regards paragraph (a), (b), (c) or (d).

4. Notwithstanding Regulation 3, a person who has received an authorisation under Article 4 of Council Regulation (EC) No. 174/2005 or an authorisation under Article 3 or Article 4 of Council Regulation (EC) No. 560/2005 may, subject to compliance with the terms and conditions of such authorisation, do such of the things referred to in Regulation 3 as are so authorised.

5. The Central Bank and Financial Services Authority of Ireland may, for the purposes of the administration and enforcement of the provisions of these Regulations, give such directions or issue such instructions to a person as it sees fit.

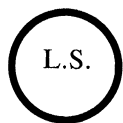
6. A person who fails to comply with a direction or an instruction issued under Regulation 5 shall be guilty of an offence.

7. Where an offence under these Regulations is committed by a body corporate and is proved to have been so committed with the consent, connivance or approval of or to have been 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 any such capacity, that person as well as the body corporate, shall 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. A person guilty of an offence under these Regulations is liable:

- (a) on summary conviction, to a fine not exceeding €5,000 or imprisonment for a term not exceeding 12 months or both, or
- (b) on conviction on indictment, to a fine not exceeding €500,000 or imprisonment for a term not exceeding 3 years or both.

9. The European Communities (Ivory Coast) (Financial Sanctions) Regulations 2006 (S.I. No. 422 of 2006) are revoked.



GIVEN under my Official Seal,
28 September 2009.

BRIAN LENIHAN,
Minister for Finance.

EXPLANATORY NOTE

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

These Regulations provide for enforcement of financial sanctions contained in Council Regulation (EC) No. 174/2005, as amended, or Council Regulation (EC) No. 560/2005, as amended, concerning restrictive measures against Côte d'Ivoire. The financial sanctions include:

1. a prohibition on financial assistance related to military activities in Côte d'Ivoire,
2. a prohibition on financial assistance related to internal repression in Côte d'Ivoire, and
3. the freezing of funds and economic resources of persons designated as constituting a threat to the peace and national reconciliation process in Côte d'Ivoire and other persons determined as being responsible for serious violations of human rights and international humanitarian law in Côte d'Ivoire or who are determined to be in violation of the arms embargo.

These Regulations also provide that the Central Bank and Financial Services Authority of Ireland (CBFSAI) may issue instructions for the purpose of giving full effect to the financial sanctions.

They create offences for breach of the Council Regulation or for failure to comply with the instructions of the CBFSAI with regard to implementation of the sanctions and they provide for appropriate penalties.

The European Communities (Ivory Coast) (Financial Sanctions) Regulations 2006 (S.I. No. 422 of 2006) are revoked.

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