



STATUTORY INSTRUMENTS.

S.I. No. 399 of 2009

EUROPEAN COMMUNITIES (BELARUS) (FINANCIAL SANCTIONS)
REGULATIONS 2009

(Prn. A9/1360)

S.I. No. 399 of 2009

EUROPEAN COMMUNITIES (BELARUS) (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. 765/2006 of 18 May 2006¹, as amended, hereby make the following regulations:

1. These Regulations may be cited as the European Communities (Belarus) (Financial Sanctions) Regulations 2009.

2. (1) In these Regulations “Council Regulation” means Council Regulation (EC) No. 765/2006 of 18 May 2006¹, as amended by—

(a) Commission Regulation (EC) No. 1587/2006 of 23 October 2006², and

(b) Council Regulation (EC) No. 646/2008 of 8 July 2008³.

(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. Subject to Regulation 4, a person who fails to comply with the requirements of the Council Regulation as regards—

(a) funds or economic resources frozen,

(b) the making available of funds or economic resources prohibited,

(c) the supply of information to or cooperation with the competent authorities, or,

(d) the participation in activities to circumvent paragraphs (a) or (b),

commits an offence.

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

¹OJ No. L.134, 20.5.06, p.1.

²OJ No. L.294, 25.10.06, p.25.

³OJ No. L.180, 9.7.08, p.5.

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

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 commits an offence.

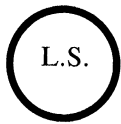
7. Where an offence under these Regulations is committed by a body corporate and is proved to have been so committed with the consent, connivance or approval of or to have been attributable to the neglect on the part of any person, being a director, manager, secretary or other officer of the body corporate or a person who was purporting to act in any such capacity, that person as well as the body corporate, commits an offence and is liable to be proceeded against and punished as if he or she committed 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 (Belarus) (Financial Sanctions) Regulations 2008 (S.I. No. 111 of 2008) 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. 765/2006 of 18 May 2006, as amended by Commission Regulation (EC) No. 1587/2006 of 23 October 2006 and Council Regulation (EC) No. 646/2008 of 8 July 2008 concerning restrictive measures in respect of Belarus. The sanctions impose an asset-freeze on President Lukashenko, the Belarusian leadership and officials responsible for violations of international electoral standards and international human rights law, as well as for the crackdown on civil society and democratic opposition.

They 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.

BAILE ÁTHA CLIATH
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR
Le ceannach díreach ón
OIFIG DHÍOLTA FOILSEACHÁN RIALTAIS,
TEACH SUN ALLIANCE, SRÁID THEACH LAIGHEAN, BAILE ÁTHA CLIATH 2,
nó tríd an bpost ó
FOILSEACHÁIN RIALTAIS, AN RANNÓG POST-TRÁCHTA,
AONAD 20 PÁIRC MIONDÍOLA COIS LOCHA, CLÁR CHLAINNE MHUIRIS,
CONTAE MHAIGH EO,
(Teil: 01 - 6476834 nó 1890 213434; Fax: 094 - 9378964 nó 01 - 6476843)
nó trí aon díoltóir leabhar.

DUBLIN
PUBLISHED BY THE STATIONERY OFFICE
To be purchased directly from the
GOVERNMENT PUBLICATIONS SALE OFFICE
SUN ALLIANCE HOUSE, MOLESWORTH STREET, DUBLIN 2,
or by mail order from
GOVERNMENT PUBLICATIONS, POSTAL TRADE SECTION,
UNIT 20 LAKESIDE RETAIL PARK, CLAREMORRIS, CO. MAYO,
(Tel: 01 - 6476834 or 1890 213434; Fax: 094 - 9378964 or 01 - 6476843)
or through any bookseller.

€2.54

