



STATUTORY INSTRUMENTS.

S.I. No. 426 of 2012



EUROPEAN UNION (SOMALIA) (FINANCIAL SANCTIONS)
REGULATIONS 2012

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I, MICHAEL NOONAN, 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. 147/2003 of 27 January 2003¹, as amended, and Council Regulation (EU) No. 356/2010 of 26 April 2010², as amended, hereby make the following regulations:

1. These Regulations may be cited as the European Union (Somalia) (Financial Sanctions) Regulations 2012.

2. (1) In these Regulations—

“Council Regulation (EC) No. 147/2003” means Council Regulation (EC) No. 147/2003 of 27 January 2003¹, as amended by

(a) Council Regulation (EC) No. 631/2007 of 7 June 2007³,

(b) Council Regulation (EU) No. 1137/2010 of 7 December 2010⁴,

(c) Council Regulation (EU) No. 642/2012 of 16 July 2012⁵, and

(d) Council Regulation (EU) No. 941/2012 of 15 October 2012⁶,

“Council Regulation (EU) No. 356/2010” means Council Regulation (EU) No. 356/2010 of 26 April 2010², as amended by

(a) Council Implementing Regulation (EU) No. 956/2011 of 26 September 2011⁷, and

(b) Council Regulation (EU) No. 641/2012 of 16 July 2012⁸, and

(c) Council Implementing Regulation (EU) No. 943/2012 of 15 October 2012⁹.

¹OJ No. L.24, 29.01.03, p.2.

²OJ No. L.105, 27.04.10, p.1.

³OJ No. L.146, 08.06.07, p.1.

⁴OJ No. L.322, 08.12.10, p.2.

⁵OJ No. L.187, 17.07.12, p.8.

⁶OJ No. L. 282, 16.10.12, p.1.

⁷OJ No. L.249, 27.09.11, p.1.

⁸OJ No. L.187, 17.07.12, p.8.

⁹OJ No. L.282, 16.10.12, p.6

*Notice of the making of this Statutory Instrument was published in
“Iris Oifigiúil” of 6th November, 2012.*

(2) A word or expression which is used in these Regulations and which is also used in Council Regulation (EU) No. 356/2010 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 commits an offence if he or she infringes the provisions of Council Regulation (EC) No. 147/2003 or Council Regulation (EU) No. 356/2010 as regards—

- (a) the provision of financing or financial assistance,
- (b) the freezing of funds or economic resources,
- (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. 147/2003 as regards paragraph (a) or (d) or of Council Regulation (EU) No. 356/2010 as regards paragraph (b), (c) or (d).

4. Notwithstanding Regulation 3, a person who has received an authorisation under Article 2a or prior approval under Article 3 of Council Regulation (EC) No. 147/2003 or an authorisation under Article 5 or 6 of Council Regulation (EU) No. 356/2010 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 or approved.

5. The Central Bank 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 given 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 class A fine or to imprisonment for a term not exceeding 12 months or to 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 to both.

9. The European Union (Somalia) (Financial Sanctions) (No. 2) Regulations 2011 (S.I. No. 566 of 2011) are revoked.



GIVEN under my Official Seal,
2 November 2012.

MICHAEL NOONAN,
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 enforcement of financial sanctions contained in Council Regulation (EC) No. 147/2003 of 27 January 2003 as amended, concerning restrictive measures against Somalia. The prohibition is in respect of the provision of financing or financial assistance related to military activities in Somalia, with exemptions in respect of support for the African Union Mission to Somalia (AMISOM). Council Regulation (EU) No. 356/2010 of 26 April 2010 provides for an asset freeze in respect of listed persons and entities and a ban on the provision of certain services, including financial services, to those persons or entities.

These Regulations also provide that the Central Bank of Ireland 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 Central Bank with regard to implementation of the sanctions and they provide for appropriate penalties.

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