



STATUTORY INSTRUMENTS.

S.I. No. 498 of 2012



EUROPEAN UNION (BELARUS) (FINANCIAL SANCTIONS) (NO.4)
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. 765/2006 of 18 May 2006¹, as amended, hereby make the following regulations:

1. These Regulations may be cited as the European Union (Belarus) (Financial Sanctions) (No.4) Regulations 2012.

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,
- (b) Council Regulation (EC) No. 646/2008 of 8 July 2008³,
- (c) Council Implementing Regulation (EU) No. 84/2011 of 31 January 2011⁴ and the Corrigendum to that Regulation⁵,
- (d) Council Implementing Regulation (EU) No. 271/2011 of 21 March 2011⁶,
- (e) Council Implementing Regulation (EU) No. 505/2011 of 23 May 2011⁷,
- (f) Council Regulation (EU) No. 588/2011 of 20 June 2011⁸,
- (g) Council Regulation (EU) No. 999/2011 of 10 October 2011⁹,
- (h) Council Implementing Regulation (EU) No. 1000/2011 of 10 October 2011¹⁰,
- (i) Council Implementing Regulation (EU) No. 1320/2011 of 16 December 2011¹¹,

¹OJ No. L.134, 20.05.06, p.1.

²OJ No. L.294, 25.10.06, p.25.

³OJ No. L.180, 09.07.08, p.5.

⁴OJ No. L.28, 02.02.11, p.17.

⁵OJ No. L.102, 16.04.11, p.44.

⁶OJ No. L.76, 22.03.11, p.13.

⁷OJ No. L.136, 24.05.11, p.48.

⁸OJ No. L.161, 21.06.11, p.1.

⁹OJ No. L.265, 11.10.11, p.6.

¹⁰OJ No. L.265, 11.10.11, p.8.

¹¹OJ No. L.335, 17.12.11, p.15.

*Notice of the making of this Statutory Instrument was published in
“Iris Oifigiúil” of 14th December, 2012.*

- (j) Council Regulation (EU) No. 114/2012 of 10 February 2012¹²,
- (k) Council Implementing Regulation (EU) No. 170/2012 of 28 February 2012¹³,
- (l) Council Implementing Regulation (EU) No. 265/2012 of 23 March 2012¹⁴,
- (m) Council Regulation (EU) No. 354/2012 of 23 April 2012¹⁵,
- (n) Council Regulation (EU) No. 1014/2012 of 6 November 2012¹⁶, and
- (o) Council Implementing Regulation (EU) No. 1017/2012 of 6 November 2012¹⁷.

(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) 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 paragraphs (a), (b), (c) or (d) commits an offence.

4. Notwithstanding Regulation 3, a person who has received a prior approval under Article 1b, an authorisation under Article 3(1), 4a or 4b 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.

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.

¹²OJ No. L.38, 11.02.12, p.3.

¹³OJ No. L.55, 29.02.12, p.1.

¹⁴OJ No. L.87, 24.03.12, p.37.

¹⁵OJ No. L.113, 25.04.12, p.1.

¹⁶OJ No. L.307, 07.11.12, p.1.

¹⁷OJ No. L.307, 07.11.12, p.7.

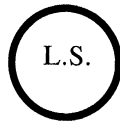
7. Where an offence under these Regulations is committed by a body corporate and is proved to have been so committed with the consent, connivance or approval of or to have been attributable to the neglect on the part of any person, being a director, manager, secretary or other officer of the body corporate 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 (Belarus) (Financial Sanctions) (No.3) Regulations 2012 (S.I. No. 414 of 2012) are revoked.



GIVEN under my Official Seal,
7 December 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. 765/2006 of 18 May 2006, as amended, 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.

The SI provides that the Central Bank of Ireland may issue instructions for the purpose of giving full effect to the financial sanctions.

It creates offences for breach of the Council Regulation or for failure to comply with the instructions of the Central Bank of Ireland with regard to implementation of the sanctions and it provides for appropriate penalties.

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