



STATUTORY INSTRUMENTS.

S.I. No. 77 of 2013



EUROPEAN UNION (SUDAN AND SOUTH SUDAN) (FINANCIAL
SANCTIONS) REGULATIONS 2013

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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 further effect to Council Regulation (EC) No. 131/2004 of 26 January 2004¹ and Council Regulation (EC) No. 1184/2005 of 18 July 2005², hereby make the following regulations:

1. These Regulations may be cited as the European Union (Sudan and Sudan) (Financial Sanctions) Regulations 2013.

2. (1) In these Regulations—

“Council Regulation (EC) No. 131/2004” means Council Regulation (EC) No. 131/2004 of 26 January 2004¹, as amended by—

- (a) Council Regulation (EC) No. 1353/2004 of 26 July 2004³,
- (b) Commission Regulation (EC) No. 1516/2004 of 25 August 2004⁴,
- (c) Council Regulation (EC) No. 838/2005 of 30 May 2005⁵,
- (d) Commission Regulation (EC) No. 1354/2005 of 17 August 2005⁶,
- (e) Council Regulation (EC) No. 1791/2006 of 20 November 2006⁷, and
- (f) Council Regulation (EU) No. 1215/2011 of 24 November 2011⁸.

“Council Regulation (EC) No. 1184/2005” means Council Regulation (EC) No. 1184/2005 of 18 July 2005², as amended by—

- (a) Commission Regulation (EC) No. 760/2006 of 18 May 2006⁹,
- (b) Council Regulation (EC) No. 1791/2006 of 20 November 2006⁷,

¹OJ L21, 28.1.2004, p.1.

²OJ L193, 23.7.2005, p.9.

³OJ L251, 27.7.2004, p.1.

⁴OJ L278, 27.8.2004, p.15.

⁵OJ L139, 2.6.2005, p.3.

⁶OJ L213, 18.8.2005, p.11.

⁷OJ L363, 20.12.2006, p.1.

⁸OJ No. L.310, 25.11.11, p.1.

⁹OJ L132, 19.5.2006, p.28.

*Notice of the making of this Statutory Instrument was published in
“Iris Oifigiúil” of 8th March, 2013.*

(c) Commission Regulation (EC) No. 970/2007 of 17 August 2007¹⁰ and Corrigendum¹¹.

(2) A word or expression which is used in these Regulations and which is also used in Council Regulation (EC) No. 131/2004 or in Council Regulation (EC) No. 1184/2005 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 who fails to comply with the requirements of Council Regulation (EC) No. 131/2004 or Council Regulation (EC) No. 1184/2005 as regards—

- (a) the providing or making available of financing or financial assistance prohibited,
- (b) the making available of funds or economic resources prohibited,
- (c) funds or economic resources frozen,
- (d) the participation in activities to circumvent paragraphs (a), (b) or (c),

commits an offence.

4. Notwithstanding Regulation 3, a person who has received a derogation under Article 4 of Council Regulation (EC) No. 131/2004 or a derogation under Article 3 or Article 4 of Council Regulation (EC) No. 1184/2005 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 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—

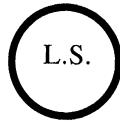
- (a) on summary conviction, to a Class A fine or imprisonment for a term not exceeding 12 months or both, or

¹⁰OJ L215, 18.8.2007, p.16.

¹¹OJ L227, 31.8.2007, p.53.

(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 (Sudan) (Financial Sanctions) Regulations 2007 (S.I. No. 800 of 2007) are revoked.



GIVEN under my Official Seal,
5 March 2013.

MICHAEL NOONAN,
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 as outlined in Council Regulation (EC) No. 131/2004 of 26 January 2004 and Council Regulation (EC) No. 1184/2005 of 18 July 2005, as amended, concerning restrictive measures against Sudan and since 24 November 2011 South Sudan.

Council Regulation (EC) No. 131/2004 of 26 January 2004 places restrictive measures on the export of arms and related material to Sudan and South Sudan. Council Regulation (EC) No. 1184/2005 of 18 July 2005 imposes a targeted asset-freeze on individuals impeding the peace process and breaking international law in the conflict in the Darfur region.

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 Regulations or for failure to comply with the instructions of the Central Bank of Ireland with regard to implementation of the sanctions and they provide for appropriate penalties.

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