



STATUTORY INSTRUMENTS.

S.I. No. 78 of 2013



EUROPEAN UNION (AFGHANISTAN) (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 full effect to Council Regulation (EU) No. 753/2011 of 1 August 2011¹, hereby make the following regulations:

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

2. (1) In these Regulations “Council Regulation” means Council Regulation (EU) No. 753/2011 of 1 August 2011¹ as amended by—

- (a) Council Implementing Regulation (EU) No. 968/2011 of 29 September 2011²,
- (b) Council Implementing Regulation (EU) No. 1049/2011 of 20 October 2011³,
- (c) Council Implementing Regulation (EU) No. 263/2012 of 23 March 2012⁴,
- (d) Council Implementing Regulation (EU) No. 543/2012 of 25 June 2012⁵,
- (e) Council Implementing Regulation (EU) No.643/2012 of 16 July 2012⁶,
- (f) Council Implementing Regulation (EU) No. 705/2012 of 1 August 2012⁷,
- (g) Council Implementing Regulation (EU) No. 1139/2012 of 3 December 2012⁸,
- (h) Council Implementing Regulation (EU) No. 1244/2012 of 20 December 2012⁹, and

¹OJ No. L.199, 02.08.11, p.1.

²OJ No. L.257, 01.10.11, p.1.

³OJ No. L.276, 21.10.11, p.2.

⁴OJ No. L.87, 24.03.12, p.1.

⁵OJ No. L.165, 26.06.12, p.5.

⁶OJ No. L.187, 17.07.12, p.13.

⁷OJ No. L.206, 02.08.12, p.5.

⁸OJ No. L.332, 04.12.12, p.1.

⁹OJ No. L.352, 21.12.12, p.13.

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

(i) Council Implementing Regulation (EU) No. 86/2013 of 31 January 2013¹⁰.

(2) A word or expression which is used in these Regulations has, unless the context otherwise requires, the same meaning that it has in the Council Regulation.

3. Subject to Regulation 4, a person commits an offence if he or she infringes the provisions of the Council Regulation as regards—

- (a) the freezing of funds or economic resources,
- (b) the making available of funds or economic resources,
- (c) the supply of information to, or cooperation with, the competent authorities, or
- (d) the participation in activities to circumvent the requirements of the Council Regulation as regards paragraph (a), (b) or (c).

4. Notwithstanding Regulation 3, a person who has received a prior authorisation under Article 5 of the Council Regulation 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 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 who commits 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.

¹⁰OJ No. L32, 01.02.13, p.5.

9. The European Union (Afghanistan) (Financial Sanctions) (No.2) Regulations 2012 (S.I. No. 416 of 2012) are revoked.



GIVEN under my Official Seal,
5 March 2013.

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 against certain persons and entities associated with the Taliban in Afghanistan imposed by Council Regulation (EU) No. 753/2011 of 1 August 2011, as amended. Most of the persons listed were previously listed under Council Regulation (EC) No. 881/2002 of 27 May 2002.

These Regulations provide that the Central Bank of Ireland may issue instructions for the purpose of giving full effect to the financial sanctions.

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