



STATUTORY INSTRUMENTS.

S.I. No. 548 of 2013



FINANCIAL TRANSFERS (SOMALIA) (PROHIBITION) ORDER 2013

FINANCIAL TRANSFERS (SOMALIA) (PROHIBITION) ORDER 2013

I, MICHAEL NOONAN, Minister for Finance, in exercise of the powers conferred on me by section 4 of the Financial Transfers Act 1992 (No. 27 of 1992) and for the purpose of giving full effect to Council Regulation (EC) No. 147/2003 of 27 January 2003¹, as last amended by Council Regulation (EU) No. 1153/2013 of 15 November 2013², and Council Regulation (EU) No. 356/2010 of 26 April 2010³, as last amended by Council Regulation (EU) No. 432/2013 of 13 May 2013⁴, hereby order as follows:

1. This Order may be cited as the Financial Transfers (Somalia) (Prohibition) Order 2013.

2. (1) In this Order—

“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 2007⁵,
- (b) Council Regulation (EU) No. 1137/2010 of 7 December 2010⁶,
- (c) Council Regulation (EU) No. 642/2012 of 16 July 2012⁷,
- (d) Council Regulation (EU) No. 941/2012 of 15 October 2012⁸,
- (e) Council Regulation (EU) No. 431/2013 of 13 May 2013⁹, and
- (f) Council Regulation (EU) No. 1153/2013 of 15 November 2013².

“Council Regulation (EU) No. 356/2010” means Council Regulation (EU) No. 356/2010 of 26 April 2010³, as amended by—

- (a) Council Implementing Regulation (EU) No. 956/2011 of 26 September 2011¹⁰,

¹OJ No. L 24, 29.1.03, p. 2

²OJ No. L 306, 16.11.13, p. 1

³OJ No. L 105, 27.1.10, p. 1

⁴OJ No. L 129, 14.5.13, p. 15

⁵OJ No. L 146, 8.6.07, p. 1

⁶OJ No. L 322, 8.12.10, p. 2

⁷OJ No. L 187, 17.7.12, p. 8

⁸OJ No. L 282, 16.10.12, p. 1

⁹OJ No. L 129, 14.5.13, p. 12

¹⁰OJ No. L 249, 27.9.11, p. 1

*Notice of the making of this Statutory Instrument was published in
“Iris Oifigiúil” of 3rd January, 2014.*

- (b) Council Regulation (EU) No. 641/2012 of 16 July 2012¹¹,
- (c) Council Implementing Regulation (EU) No. 943/2012 of 15 October 2012¹², and
- (d) Council Regulation (EU) No. 432/2013 of 13 May 2013⁴.

(2) A word or expression used in this Order that is also used in Council Regulation (EC) No. 147/2003 or Council Regulation (EU) No. 356/2010 has, unless the context otherwise requires, the same meaning in this Order as it has in the Council Regulation concerned.

3. For the purposes of this Order and the Council Regulations the Central Bank of Ireland shall be the competent authority in the State.

4. Subject to Article 5, a person shall not make a financial transfer between the State and another country the effect of which would be to enable or facilitate, directly or indirectly, the doing of any thing which is a contravention of the Council Regulations.

5. Notwithstanding Article 4 of this Order, a person who has been granted or is deemed to have been granted an authorisation under Article 2a or 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 such authorisation, do such of the things as are so authorised.

6. The Central Bank of Ireland may, for the purposes of supervision of financial transfers and for the administration and enforcement of the Council Regulations or this Order, give such directions or issue such instructions to a person as it sees fit.

7. A person to whom a direction has been given or an instruction issued under Article 6 of this Order shall comply with such direction or instruction.

8. A person shall not do anything to directly or indirectly assist in the circumvention of the provisions of this Order.

¹¹OJ No. L 187, 17.7.12, p. 3

¹²OJ No. L 282, 16.10.12, p. 6

9. The Financial Transfers (Somalia) (Prohibition) Order 2011 (S.I. No. 99 of 2011) is revoked.



GIVEN under my Official Seal,
18 December 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.)

This Order provides 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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