



STATUTORY INSTRUMENTS.

**S.I. No. 418 of 2014**

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EUROPEAN COMMUNITIES (RESTRICTIVE MEASURES)  
(DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA) REGULATIONS  
2014

EUROPEAN COMMUNITIES (RESTRICTIVE MEASURES)  
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2014

I, RICHARD BRUTON, Minister for Jobs, Enterprise and Innovation, 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. 329/2007 of 27 March 2007<sup>1</sup> as amended by Commission Regulation (EC) No. 117/2008 of 28 January 2008<sup>2</sup>, Commission Regulation (EC) 389/2009 of 12 May 2009<sup>3</sup>, Commission Regulation (EC) No. 689/2009 of 29 July 2009<sup>4</sup>, Council Regulation (EU) No. 1283/2009 of 22 December 2009<sup>5</sup>, Council Regulation (EU) No. 567/2010 of 29 June 2010<sup>6</sup>, Commission Regulation (EU) No. 1251/2010 of 22 December 2010<sup>7</sup>, Commission Implementing Regulation (EU) No. 1355/2011 of 20 December 2011<sup>8</sup>, Commission Implementing Regulation (EU) No. 137/2013 of 18 February 2013<sup>9</sup>, Council Regulation (EU) No. 296/2013 of 26 March 2013<sup>10</sup>, Commission Implementing Regulation (EU) No. 370/2013 of 22 April 2013<sup>11</sup>, Council Regulation (EU) No. 517/2013 of 13 May 2013<sup>12</sup>, Council Regulation (EU) No. 696/2013 of 22 July 2013<sup>13</sup> and Commission Implementing Regulation (EU) 386/2014 of 14 April 2014<sup>14</sup> hereby make the following regulations:

1. These Regulations may be cited as the European Communities (Restrictive Measures) (Democratic People's Republic of Korea) Regulations 2014.

2. (1) In these Regulations "Council Regulation" means Council Regulation (EC) No. 329/2007 of 27 March 2007 as amended by Commission Regulation (EC) No. 117/2008 of 28 January 2008, Commission Regulation (EC) No. 389/2009 of 12 May 2009, Commission Regulation (EC) No. 689/2009 of 29 July 2009, Council Regulation (EU) No. 1283/2009 of 22 December 2009, Council Regulation (EU) No. 567/2010 of 29 June 2010, Commission Regulation (EU) No. 1251/2010 of 22 December 2010, Commission Implementing Regulation (EU) No. 1355/2011 of 20 December 2011, Commission Implementing Regulation (EU) No. 137/2013 of 18 February 2013, Council Regulation (EU) No.

<sup>1</sup>OJ No. L88, 29.3.2007, p. 1.

<sup>2</sup>OJ No. L35, 9.2.2008, p. 57.

<sup>3</sup>OJ No. L118, 13.5.2009, p 78.

<sup>4</sup>OJ No. L199, 31.7.2009, p. 3.

<sup>5</sup>OJ No. L346, 23.12.2009, p. 1.

<sup>6</sup>OJ No. L163, 30.6.2010, p. 15.

<sup>7</sup>OJ No. L341, 23.12.2010, p. 15.

<sup>8</sup>OJ No. L338, 21.12.2011, p. 39.

<sup>9</sup>OJ No. L46, 19.2.2013, p. 19.

<sup>10</sup>OJ No. L90, 28.3.2013, p. 4.

<sup>11</sup>OJ No. L111, 23.4.2013, p. 43.

<sup>12</sup>OJ No. L158, 10.6.2013, p. 1.

<sup>13</sup>OJ No. L198, 23.7.2013, p.22.

<sup>14</sup>OJ No. P 111, 15.4.2014, p. 46.

*Notice of the making of this Statutory Instrument was published in  
"Iris Oifigiúil" of 26th September, 2014.*

296/2013 of 26 March 2013, Commission Implementing Regulation (EU) No. 370/2013 of 22 April 2013, Council Regulation (EU) No. 517/2013 of 13 May 2013, Council Regulation (EU) No. 696/2013 of 22 July 2013 and Commission Implementing Regulation (EU) 386/2014 of 14 April 2014.

(2) A word or expression used in these Regulations that 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 Regulations 4 and 5, a person who contravenes a provision of the Council Regulation mentioned in the Schedule commits an offence.

4. Where the Council Regulation allows an exception, exemption or derogation from a provision in the Schedule, the same exception, exemption or derogation shall apply to an offence under Regulation 3.

5. Notwithstanding Regulation 3, a person who has been granted or is deemed to have been granted an authorisation under the Council Regulation may, subject to compliance with the terms and conditions of the authorisation, do such of the things as are so authorised.

6. A person guilty of an offence under Regulation 3 shall be liable—

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

(b) on conviction on indictment, to a fine not exceeding €500,000 or imprisonment for a term not exceeding 3 years or both.

7. A competent authority of the State may, for the purposes of the administration and enforcement of the Council Regulation or these Regulations, give such directions or issue such instructions to a person as it sees fit.

8. A person who fails to comply with a direction given or an instruction issued under Regulation 7 shall be guilty of an offence and shall be liable on summary conviction, to a Class A fine or to imprisonment for a term not exceeding 6 months or to both.

9. 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 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, shall be guilty of an offence and be liable to be proceeded against and punished as if he or she committed the first mentioned offence.

10. The following are revoked:

(a) European Communities (Restrictive Measures) (Democratic People's Republic of Korea) Regulations 2007 (S.I. No. 254 of 2007);

- (b) European Communities (Restrictive Measures) (Democratic People's Republic of Korea) (Amendment) Regulations 2008 (S.I. No. 83 of 2008);
- (c) European Communities (Restrictive Measures) (Democratic People's Republic of Korea) (Amendment) Regulations 2011 (S.I. No. 727 of 2011);
- (d) European Union (Democratic People's Republic of Korea) (Financial Sanctions) Regulations 2013 (S.I. No. 557 of 2013).

Schedule

*Regulation 3*

**Acting contrary to the prohibitions set out in:**

Article 2(1) and 2(3)  
Article 3(1)  
Article 3a(3) and 3a(7)  
Article 3b  
Article 4  
Article 4a(1)  
Article 4b  
Article 5a  
Article 6(5)  
Article 9a  
Article 11b(1) and 11b(4)

**Failing to supply information or cooperate as set out in:**

Article 3a(1) and 3a(2)  
Article 10(1)

**Failing to carry out the measures specified in Article 11a**

**Not freezing the funds or economic resources set out in:**

Article 6(1), 6(2), and 6(2a)

**Making funds or economic resources available contrary to Article 6(4)**

**Carrying out the acts specified in Article 9(1) without informing the competent authority as specified in that Article.**



GIVEN under my Official Seal,  
19 September 2014.

RICHARD BRUTON,  
Minister for Jobs, Enterprise and Innovation.

## EXPLANATORY NOTE

*(This note is not part of the Instrument and does not purport to be a legal interpretation.)*

The effect of these Regulations is to provide for penalties for infringements of the provisions of Council Regulation (EC) No. 329/2007 as amended, which relate to restrictive measures against the Democratic People's Republic of Korea. These Regulations revoke the European Communities (Restrictive Measures) (Democratic People's Republic of Korea) Regulations 2007 (S.I. No. 254 of 2007), European Communities (Restrictive Measures) (Democratic People's Republic of Korea) (Amendment) Regulations 2008 (S.I. No. 83 of 2008), European Communities (Restrictive Measures) (Democratic People's Republic of Korea) (Amendment) Regulations 2011 (S.I. No. 727 of 2011) and European Union (Democratic People's Republic of Korea) (Financial Sanctions) Regulations 2013 (S.I. No. 557 of 2013).

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