



STATUTORY INSTRUMENTS.

S.I. No. 79 of 2016



EUROPEAN UNION (RESTRICTIVE MEASURES CONCERNING THE
DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA) REGULATIONS
2016

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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 full effect to Council Regulation (EC) No 329/2007 of 27 March 2007¹, as amended, hereby make the following regulations:

1. These Regulations may be cited as the European Union (Restrictive Measures concerning the Democratic People's Republic of Korea) Regulations 2016.

2. (1) In these Regulations—

“Council Regulation” means Council Regulation (EC) No 329/2007 of 27 March 2007¹ as amended by the European acts specified in Schedule 1;

“European act” means an act adopted by an institution of the European Union or an institution of the European Communities.

(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. A person who contravenes a provision of the Council Regulation specified in Schedule 2 commits an offence.

4. Notwithstanding Regulation 3, a person who has received an authorisation under Article 3c(1), 5(3), 5(4), 7(1), 7(2) or 8 of the Council Regulation may, subject to compliance with the terms and conditions of such authorisation, do such of the things as are so authorised.

5. (1) A person who is guilty of an offence under Regulation 3 shall be 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.

¹OJ L 088, 29.3.2007, p.1

6. Any competent authority, following such consultation as it considers necessary with the other competent authorities, for the purposes of the administration and enforcement of the Council Regulation or these Regulations, may give in writing such directions to a person as it sees fit.

7. A person who fails to comply with a direction given under Regulation 6 within the time specified in the direction 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.

8. Where an offence under these Regulations is committed by a body corporate and is proved to have been so committed with the consent or connivance of or to be attributable to any 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 such capacity, that person shall, as well as the body corporate, be guilty of an offence and shall be liable to be proceeded against and punished as if he or she were guilty of the first-mentioned offence.

9. The European Communities (Restrictive Measures) (Democratic People's Republic of Korea) Regulations 2014 (S.I. No. 418 of 2014) are revoked.

Schedule 1
Council Regulation

Regulation 2

1. Commission Regulation (EC) No 117/2008 of 28 January 2008²
2. Commission Regulation (EC) No 389/2009 of 12 May 2009³
3. Commission Regulation (EC) No 689/2009 of 29 July 2009⁴
4. Council Regulation (EU) No 1283/2009 of 22 December 2009⁵
5. Council Regulation (EU) No 567/2010 of 29 June 2010⁶
6. Commission Regulation (EU) No 1251/2010 of 22 December 2010⁷
7. Commission Implementing Regulation (EU) No 1355/2011 of 20 December 2011⁸
8. Commission Implementing Regulation (EU) No 137/2013 of 18 February 2013⁹
9. Council Regulation (EU) No 296/2013 of 26 March 2013¹⁰
10. Commission Implementing Regulation (EU) No 370/2013 of 22 April 2013¹¹
11. Council Regulation (EU) No 517/2013 of 13 May 2013¹²
12. Council Regulation (EU) No 696/2013 of 22 July 2013¹³
13. Commission Implementing Regulation (EU) No 386/2014 of 14 April 2014¹⁴
14. Commission Implementing Regulation (EU) No 1059/2014 of 8 October 2014¹⁵
15. Commission Implementing Regulation (EU) No 2015/1062 of 2 July 2015¹⁶

²OJ L 35, 9.2.2008, p.57

³OJ L 118, 13.5.2009, p.78

⁴OJ L 199, 31.7.2009, p.3

⁵OJ L 346, 23.12.2009, p.1

⁶OJ L 163, 30.6.2010, p.15

⁷OJ L 341, 23.12.2010, p.15

⁸OJ L 338, 21.12.2011, p.39

⁹OJ L 46, 19.2.2013, p.19

¹⁰OJ L 90, 28.3.2013, p.4

¹¹OJ L 111, 23.4.2013, p.43

¹²OJ L 158, 10.6.2013, p.1

¹³OJ L 198, 23.7.2013, p.22

¹⁴OJ L 111, 15.4.2014, p.46

¹⁵OJ L 293, 9.10.2014, p.15

¹⁶OJ L 174, 3.7.2015, p.16

Schedule 2

Provision of Council Regulation

Regulation 3

Article 2(1) or (3)

Article 3(1)

Article 3a(3) or (7)

Article 3b

Article 4

Article 4a(1)

Article 4b

Article 5a(1) or (2)

Article 6(1), (2), (2a), (4) or (5)

Article 9a

Article 10(1)

Article 11a

Article 11b(1) or (4)



GIVEN under my Official Seal,
21 February 2016.

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.)

These Regulations provide for the enforcement of restrictive measures contained in Council Regulation (EC) No 329/2007 as amended, regarding restrictive measures concerning the Democratic People's Republic of Korea.

The Regulations provide that competent authorities of the State may issue directions for the purpose of giving full effect to the sanctions.

The Regulations create offences for breach of the Council Regulations or for failure to comply with the directions of competent authorities of the State with regard to implementation of the sanctions and provides for appropriate penalties.

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(Teil: 01 - 6476834 nó 1890 213434; Fax: 01 - 6476843)
nó trí aon díoltóir leabhar.

DUBLIN
PUBLISHED BY THE STATIONERY OFFICE
To be purchased from
GOVERNMENT PUBLICATIONS,
52 ST. STEPHEN'S GREEN, DUBLIN 2.
(Tel: 01 - 6476834 or 1890 213434; Fax: 01 - 6476843)
or through any bookseller.

€2.54

