



STATUTORY INSTRUMENTS

S.I. No. 800 of 2007



EUROPEAN COMMUNITIES (SUDAN) (FINANCIAL SANCTIONS)
REGULATIONS 2007

(Prn. A7/2273)

S.I. No. 800 of 2007

EUROPEAN COMMUNITIES (SUDAN) (FINANCIAL SANCTIONS)
REGULATIONS 2007

I, BRIAN COWEN, 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 Communities (Sudan) (Financial Sanctions) Regulations 2007.

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 and
- (e) Council Regulation (EC) No. 1791/2006 of 20 November 2006⁷.

“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 2006⁸,
- (b) Council Regulation (EC) No. 1791/2006 of 20 November 2006⁷,
- (c) Commission Regulation (EC) No. 970/2007 of 17 August 2007⁹ and Corrigendum¹⁰.

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 L132, 19.5.2006, p.28.

⁹OJ L215, 18.8.2007, p.16.

¹⁰OJ L227, 31.8.2007, p.53.

*Notice of the making of this Statutory Instrument was published in
“Iris Oifigiúil” of 14th December, 2007.*

(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 and Financial Services Authority 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 fine not exceeding €5,000 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.

9. The European Communities (Sudan) (Financial Sanctions) Regulations 2006 (S.I. No. 430 of 2006) are revoked.



GIVEN under my Official Seal
11 December 2007

BRIAN COWEN
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.

Council Regulation (EC) No. 131/2004 of 26 January 2004 places restrictive measures on the export of arms and related material to Sudan. It has been amended on five occasions to allow for exemptions to the restrictions and amendment to details of competent authorities. 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 of Sudan. It has been amended on three occasions to insert or amend names of designated persons and amend the list of competent authorities.

These Regulations also provide that the Central Bank and Financial Services Authority of Ireland (CBFSAI) may issue instructions for the purpose of giving full effect to the financial sanctions.

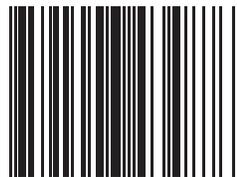
They create offences for breach of the Council Regulations or for failure to comply with the instructions of the CBFSAI with regard to implementation of the sanctions and they provide for appropriate penalties.

BAILE ÁTHA CLIATH
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR
Le ceannach díreach ón
OIFIG DHÍOLTA FOILSEACHÁN RIALTAIS,
TEACH SUN ALLIANCE, SRÁID THEACH LAIGHEAN, BAILE ÁTHA CLIATH 2
nó tríd an bpost ó
FOILSEACHÁIN RIALTAIS, AN RANNÓG POST-TRÁCHTA,
51 FAICHE STIABHNA, BAILE ÁTHA CLIATH 2
(Teil: 01 - 6476834/35/36/37; Fax: 01 - 6476843)
nó trí aon díoltóir leabhar.

DUBLIN
PUBLISHED BY THE STATIONERY OFFICE
To be purchased directly from the
GOVERNMENT PUBLICATIONS SALE OFFICE
SUN ALLIANCE HOUSE, MOLESWORTH STREET, DUBLIN 2
or by mail order from
GOVERNMENT PUBLICATIONS, POSTAL TRADE SECTION,
51 ST. STEPHEN'S GREEN, DUBLIN 2
(Tel: 01-6476834/35/36/37; Fax: 01-6476843)
or through any bookseller.

€2.54

ISBN 1-4064-3487-6



9 781406 434873