



STATUTORY INSTRUMENTS.

**S.I. No. 509 of 2011**

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EUROPEAN UNION (INTERNATIONAL CRIMINAL TRIBUNAL FOR  
THE FORMER YUGOSLAVIA (ICTY)) (FINANCIAL SANCTIONS)  
REGULATIONS 2011

**(Prn. A11/1814)**

S.I. No. 509 of 2011

EUROPEAN UNION (INTERNATIONAL CRIMINAL TRIBUNAL FOR  
THE FORMER YUGOSLAVIA (ICTY)) (FINANCIAL SANCTIONS)  
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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 (EC) No. 1763/2004 of 11 October 2004<sup>1</sup>, as amended, hereby order as follows:

1. These Regulations may be cited as the European Union (International Criminal Tribunal for the former Yugoslavia (ICTY)) (Financial Sanctions) Regulations 2011.

2. (1) In these Regulations—

“Council Regulation” means Council Regulation (EC) No. 1763/2004 of 11 October 2004<sup>1</sup>, as amended by—

- (a) Commission Regulation (EC) No. 1965/2004 of 15 November 2004<sup>2</sup>,
- (b) Commission Regulation (EC) No. 2233/2004 of 22 December 2004<sup>3</sup>,
- (c) Commission Regulation (EC) No. 295/2005 of 22 February 2005<sup>4</sup>,
- (d) Commission Regulation (EC) No. 607/2005 of 18 April 2005<sup>5</sup> together with the Corrigendum to that Regulation<sup>6</sup>,
- (e) Commission Regulation (EC) No. 830/2005 of 30 May 2005<sup>7</sup> together with the Corrigendum to that Regulation<sup>8</sup>,
- (f) Commission Regulation (EC) No. 1208/2005 of 27 July 2005<sup>9</sup>,
- (g) Commission Regulation (EC) No. 1636/2005 of 6 October 2005<sup>10</sup>,
- (h) Commission Regulation (EC) No. 23/2006 of 9 January 2006<sup>11</sup>,

<sup>1</sup>OJ No. L.315, 14.10.04, p.14.

<sup>2</sup>OJ No. L.339, 16.11.04, p.4.

<sup>3</sup>OJ No. L.379, 24.12.04, p.75.

<sup>4</sup>OJ No. L.50, 23.02.05, p.5.

<sup>5</sup>OJ No. L.100, 20.04.05, p.17.

<sup>6</sup>OJ No. L.104, 23.04.05, p.46.

<sup>7</sup>OJ No. L.137, 31.05.05, p.24.

<sup>8</sup>OJ No. L.139, 02.06.05, p.29.

<sup>9</sup>OJ No. L.197, 28.7.05, p.19.

<sup>10</sup>OJ No. L.261, 07.10.05, p.20.

<sup>11</sup>OJ No. L.5, 10.01.06, p.8.

*Notice of the making of this Statutory Instrument was published in  
“Iris Oifigiúil” of 7th October, 2011.*

- (i) Commission Regulation (EC) No. 416/2006 of 10 March 2006<sup>12</sup>,
- (j) Commission Regulation (EC) No. 1053/2006 of 11 July 2006<sup>13</sup>,
- (k) Council Regulation (EC) No. 1791/2006 of 20 November 2006<sup>14</sup>,
- (l) Commission Regulation (EC) No. 789/2007 of 4 July 2007<sup>15</sup>,
- (m) Commission Regulation (EC) No. 738/2008 of 28 July 2008<sup>16</sup>,
- (n) Commission Regulation (EC) No. 895/2008 of 12 September 2008<sup>17</sup>,
- (o) Council Regulation (EU) No. 556/2010 of 24 June 2010<sup>18</sup>, and
- (p) Commission Implementing Regulation (EU) No. 715/2011 of 19 July 2011<sup>19</sup>.

(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. 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 an authorisation under Article 3 or Article 4 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 or an instruction issued under Regulation 5 shall be guilty of an offence.

<sup>12</sup>OJ No. L.72, 11.03.06, p.7.

<sup>13</sup>OJ No. L.189, 12.07.06, p.5.

<sup>14</sup>OJ No. L.363, 20.12.06, p.1.

<sup>15</sup>OJ No. L.175, 05.07.07, p.27.

<sup>16</sup>OJ No. L.201, 30.07.08, p.33.

<sup>17</sup>OJ No. L.247, 16.09.08, p.19.

<sup>18</sup>OJ No. L.159, 25.06.10, p.9.

<sup>19</sup>OJ No. L.191, 22.07.11, p.19.

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 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 any such capacity, that person as well as the body corporate, shall 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.

8. A person guilty of 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.

9. The European Union (International Criminal Tribunal for the former Yugoslavia (ICTY)) (Financial Sanctions) Regulations 2010 (S.I. No. 568 of 2010) are revoked.



GIVEN under my Official Seal,  
5 October 2011.

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 contained in Council Regulation (EC) No. 1763/2004 of 11 October 2004, as amended, in support of the effective implementation of the mandate of the International Criminal Tribunal for the former Yugoslavia (ICTY). The sanctions control all dealings with funds and economic resources owned by persons indicted by the ICTY who are still at large and ban any support these persons might receive from within the Community.

Commission Implementing Regulation deletes a listing from Annex 1 to Council Regulation (EC) No. 1763/2004 of 11 October 2004.

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 of Ireland with regard to implementation of the sanctions and they provide for appropriate penalties.

BAILE ÁTHA CLIATH  
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