



STATUTORY INSTRUMENTS.

S.I. No. 314 of 2015



EUROPEAN UNION (RESTRICTIVE MEASURES CONCERNING
SOMALIA) (NO. 2) REGULATIONS 2015

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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. 147/2003 of 27 January 2003¹ as amended and Council Regulation (EU) No. 356/2010 of 26 April 2010² as amended hereby make the following regulations:

1. These Regulations may be cited as the European Union (Restrictive Measures concerning Somalia) (No. 2) Regulations 2015.

2. (1) In these Regulations—

“Council Regulation (EC) No. 147/2003” means Council Regulation (EC) No. 147/2003 of 27 January 2003¹ as amended by the European acts specified in Part 1 of Schedule 1;

“Council Regulation (EU) No. 356/2010” means Council Regulation (EU) No. 356/2010 of 26 April 2010² as amended by the European acts specified in Part 2 of Schedule 1;

“Council Regulations” means Council Regulation (EC) No. 147/2003 and Council Regulation (EU) No. 356/2010;

“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 Regulations has, unless the context otherwise requires, the same meaning in these Regulations as it has in the Council Regulations.

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

4. Notwithstanding Regulation 3, a person who has received an authorisation under Article 2a of Council Regulation (EC) No. 147/2003 or 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.

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

¹OJ No. L. 24, 29.1.2003, p. 2

²OJ No. L. 105, 27.4.2010, p. 1

*Notice of the making of this Statutory Instrument was published in
“Iris Oifigiúil” of 24th July, 2015.*

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

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 Regulations 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 Union (Restrictive Measures concerning Somalia) Regulations 2015 (S.I. No. 77 of 2015) are revoked.

Schedule 1*Regulation 2***Part 1**

Council Regulation (EC) No. 147/2003

1. Council Regulation (EC) No. 631/2007 of 7 June 2007³
2. Council Regulation (EU) No. 1137/2010 of 7 December 2010⁴
3. Council Regulation (EU) No. 642/2012 of 16 July 2012⁵
4. Council Regulation (EU) No. 941/2012 of 15 October 2012⁶
5. Council Regulation (EU) No. 431/2013 of 13 May 2013⁷
6. Council Regulation (EU) No. 517/2013 of 13 May 2013⁸
7. Council Regulation (EU) No. 1153/2013 of 15 November 2013⁹
8. Council Regulation (EU) No. 478/2014 of 12 May 2014¹⁰

Part 2

Council Regulation (EU) No. 356/2010

1. Council Implementing Regulation (EU) No. 956/2011 of 26 September 2011¹¹
2. Council Regulation (EU) No. 641/2012 of 16 July 2012¹²
3. Council Implementing Regulation (EU) No. 943/2012 of 15 October 2012¹³
4. Council Regulation (EU) No. 432/2013 of 13 May 2013¹⁴
5. Council Regulation (EU) No. 517/2013 of 13 May 2013⁸
6. Council Implementing Regulation (EU) No. 1104/2014 of 20 October 2014¹⁵

³OJ No. L. 146, 8.6.2007, p. 1⁴OJ No. L. 322, 8.12.2010, p. 2⁵OJ No. L. 187, 17.7.2012, p. 8⁶OJ No. L. 282, 16.10.2012, p. 1⁷OJ No. L. 129, 14.5.2013, p. 12⁸OJ No. L. 158, 10.6.2013, p. 1⁹OJ No. L. 306, 16.11.2013, p. 1¹⁰OJ No. L. 138, 13.5.2014, p. 1¹¹OJ No. L. 249, 27.9.2011, p. 1¹²OJ No. L. 187, 17.7.2012, p. 3¹³OJ No. L. 282, 16.10.2012, p. 6¹⁴OJ No. L. 129, 14.5.2013, p. 15¹⁵OJ No. L. 301, 21.10.2014, p. 5

7. Council Implementing Regulation (EU) No. 2015/325 of 2 March 2015¹⁶

Schedule 2

Regulation 3

Part 1

Provision of Council Regulation (EC) No. 147/2003

Article 1

Article 2

Article 3a(3)

Article 3b

Part 2

Provision of Council Regulation (EU) No. 356/2010

Article 2

Article 8

Article 9(1)



GIVEN under my Official Seal,
17 July 2015.

MICHAEL NOONAN,
Minister for Finance

¹⁶OJ No. L. 58, 3.3.2015, p. 41

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. 147/2003 as amended and Council Regulation (EU) No. 356/2010 as amended, regarding restrictive measures concerning Somalia.

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.

BAILE ÁTHA CLIATH
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR
Le ceannach díreach ó
FOILSEACHÁIN RIALTAIS,
52 FAICHE STIABHNA, BAILE ÁTHA CLIATH 2
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