



STATUTORY INSTRUMENTS.

S.I. No. 360 of 2009

EUROPEAN COMMUNITIES (LIBERIA) (FINANCIAL SANCTIONS)
REGULATIONS 2009

(Prn. A9/1273)

EUROPEAN COMMUNITIES (LIBERIA) (FINANCIAL SANCTIONS)
REGULATIONS 2009

I, BRIAN LENIHAN, 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. 234/2004 of 10 February 2004¹, as amended, and Council Regulation (EC) No. 872/2004 of 29 April 2004², as amended, hereby make the following regulations:

1. These Regulations may be cited as the European Communities (Liberia) (Financial Sanctions) Regulations 2009.

2. (1) In these Regulations—

“Council Regulation (EC) No. 234/2004” means Council Regulation (EC) No. 234/2004 of 10 February 2004¹, as amended by—

- (a) Council Regulation (EC) No. 1126/2006 of 24 July 2006³,
- (b) Council Regulation (EC) No. 1819/2006 of 11 December 2006⁴,
- (c) Council Regulation (EC) No. 719/2007 of 25 June 2007⁵, and
- (d) Council Regulation (EC) No. 866/2007 of 23 July 2007⁶.

“Council Regulation (EC) No. 872/2004” means Council Regulation (EC) No. 872/2004 of 29 April 2004², as amended by—

- (a) Commission Regulation (EC) No. 1149/2004 of 22 June 2004⁷,
- (b) Commission Regulation (EC) No. 1478/2004 of 18 August 2004⁸,
- (c) Commission Regulation (EC) No. 1580/2004 of 8 September 2004⁹,
- (d) Commission Regulation (EC) No. 2136/2004 of 14 December 2004¹⁰,
- (e) Commission Regulation (EC) No. 874/2005 of 9 June 2005¹¹,

¹OJ No. L.40, 12.2.04, p.1.

²OJ No. L.162, 30.4.04, p.32.

³OJ No. L.201, 25.7.06, p.1.

⁴OJ No. L.351, 13.12.06, p.1.

⁵OJ No. L.164, 26.6.07, p.1.

⁶OJ No. L.192, 24.7.07, p.4.

⁷OJ No. L.222, 23.6.04, p.17.

⁸OJ No. L.271, 19.8.04, p.36.

⁹OJ No. L.289, 10.9.04, p.4.

¹⁰OJ No. L.369, 16.12.04, p.14.

¹¹OJ No. L.146, 10.6.05, p.5.

*Notice of the making of this Statutory Instrument was published in
“Iris Oifigiúil” of 11th September, 2009.*

- (f) Commission Regulation (EC) No. 1453/2005 of 6 September 2005¹²,
- (g) Commission Regulation (EC) No. 2024/2005 of 12 December 2005¹³ and Corrigendum¹⁴,
- (h) Council Regulation (EC) No. 1791/2006 of 20 November 2006¹⁵,
- (i) Commission Regulation (EC) No. 1462/2007 of 11 December 2007¹⁶,
- (j) Commission Regulation (EC) No. 973/2008 of 2 October 2008¹⁷,
- (k) Commission Regulation (EC) No. 1216/2008 of 5 December 2008¹⁸,
- (l) Commission Regulation (EC) No. 275/2009 of 2 April 2009¹⁹ and Corrigendum²⁰, and
- (m) Commission Regulation (EC) No. 496/2009 of 11 June 2009²¹.

(2) A word or expression which is used in these Regulations and which is also used in Council Regulation (EC) No. 234/2004 or in Council Regulation (EC) No. 872/2004 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 commits an offence if he or she infringes the provisions of Council Regulation (EC) No. 234/2004 or Council Regulation (EC) No. 872/2004 as regards—

- (a) the provision of financing or financial assistance,
- (b) the freezing of funds or economic resources,
- (c) the making available of funds or economic resources,
- (d) the supply of information to or cooperation with the competent authorities, or
- (e) the participation in activities to circumvent the requirements of Council Regulation (EC) No. 234/2004 as regards paragraph (a) or Council Regulation (EC) No. 872/2004 as regards paragraph (b), (c) or (d).

4. Notwithstanding Regulation 3, a person who has received an authorisation under Article 3 of Council Regulation (EC) No. 234/2004 or an authorisation under Article 3 or Article 4 of Council Regulation (EC) No. 872/2004 may,

¹²OJ No. L230, 7.9.05, p.14.

¹³OJ No. L326, 13.12.05, p.14.

¹⁴OJ No. L7, 12.1.06, p.32.

¹⁵OJ No. L363, 20.12.06, p.1.

¹⁶OJ No. L326, 12.12.07, p.24.

¹⁷OJ No. L265, 4.10.08, p.8.

¹⁸OJ No. L328, 6.12.08, p.26.

¹⁹OJ No. L91, 3.4.09, p.18.

²⁰OJ No. L123, 19.5.09, p.100.

²¹OJ No. L149, 12.6.09, p.60.

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 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.

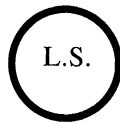
7. Where an offence under these Regulations is committed by a body corporate and is proved to have been so committed with the consent, connivance or approval of or to have been attributable to the neglect on the part of any person, being a director, manager, secretary or other officer of the body corporate 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 (Liberia) (Financial Sanctions) Regulations (No. 2) 2008 (S.I. No. 475 of 2008) are revoked.



GIVEN under my Official Seal,
9 September 2009.

BRIAN LENIHAN,
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 contained in Council Regulation (EC) No. 234/2004 of 10 February 2004, as amended, and Council Regulation (EC) No. 872/2004 of 29 April 2004, as amended, concerning restrictive measures against Liberia. The sanctions include a prohibition on financial assistance related to military activities in Liberia, and the freezing of funds and economic resources of former Liberian President Charles Taylor, his immediate family and close associates engaged in or providing support for activities undermining peace and stability in Liberia.

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 Regulation or for failure to comply with the instructions of the CBFSAI with regard to implementation of the sanctions and they provide for appropriate penalties.

The most recent updates to EU Financial Sanctions against Liberia are contained in Commission Regulation (EC) No. 1216/2008 of 5 December 2008, Commission Regulation (EC) No. 275/2009 of 2 April 2009 and Corrigendum, and Commission Regulation (EC) No. 496/2009 of 11 June 2009 which amend the asset-freeze list established under Council Regulation (EC) No. 872/2004 of 29 April 2004.

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