



STATUTORY INSTRUMENTS.

S.I. No. 219 of 2010



EUROPEAN COMMUNITIES (RESTRICTIVE MEASURES) (REPUBLIC
OF GUINEA) REGULATIONS 2010

(Prn. A10/0687)

EUROPEAN COMMUNITIES (RESTRICTIVE MEASURES) (REPUBLIC OF GUINEA) REGULATIONS 2010

I, BATT O'KEEFFE, Minister for Enterprise, Trade 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 effect to Council Regulation (EU) No. 1284/2009 of 22 December 2009 imposing certain specific restrictive measures in respect of the Republic of Guinea¹, as amended by Commission Regulation (EU) No. 279/2010 of 31 March 2010², hereby make the following regulations:

1. These Regulations may be cited as the European Communities (Restrictive Measures) (Republic of Guinea) Regulations 2010.

2. (1) In these Regulations "Council Regulation" means Council Regulation (EU) No. 1284/2009 of 22 December 2009 imposing certain specific restrictive measures in respect of the Republic of Guinea as amended by Commission Regulation (EU) No. 279/2010 of 31 March 2010.

(2) A word or expression used in these Regulations 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 reference in these Regulations to an Article is to an Article of the Council Regulation.

3. (1) Subject to paragraph (3), a person who contravenes Article 2(a), or Article 2(d) in so far as it relates to Article 2(a), is guilty of an offence.

(2) Subject to paragraph (4), a person who contravenes Article 2(b), or Article 2(d) in so far as it relates to Article 2(b), is guilty of an offence.

(3) Paragraph (1) shall not apply where Article 5 applies or where an authorisation referred to in Article 4 has been granted in respect of Article 2(a) and the person to whom it is granted complies with the authorisation and the terms and conditions of it.

(4) Paragraph (2) shall not apply where Article 5 applies or where an authorisation referred to in Article 4 has been granted in respect of Article 2(b) and the person to whom it is granted complies with the authorisation and the terms and conditions of it.

¹OJ L 346, 23.12.2009, p.26-38

²OJ L 86, 1.4.2010, p.20-21

Notice of the making of this Statutory Instrument was published in "Iris Oifigiúil" of 25th May, 2010.

4. (1) Subject to paragraph (2), a person who contravenes Article 3(a), or Article 3(c) in so far as it relates to Article 3(a), is guilty of an offence.

(2) Paragraph (1) shall not apply where Article 5 applies or where an authorisation referred to in Article 4 has been granted in respect of Article 2(a) and the person to whom it is granted complies with the authorisation and the terms and conditions of it.

5. The Minister for Enterprise, Trade and Innovation shall be the competent authority for the purposes of these Regulations and the provisions of the Council Regulation with which these Regulations are concerned.

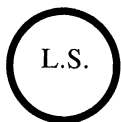
6. Where an offence under these Regulations is committed by a body corporate and is proved to have been so committed with the consent, connivance or approval of, or to be attributable to any neglect on the part of any person, being a director, manager, secretary or other officer of the body corporate, or any other person who was acting or purporting to act in any such capacity, that person, as well as the body corporate, is guilty of an offence and is liable to be proceeded against and punished as if he or she were guilty of the first-mentioned offence.

7. A person who is 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.

8. Summary proceedings for an offence under these Regulations may be brought and prosecuted by the Minister for Enterprise, Trade and Innovation.



GIVEN under my Official Seal,
19 May 2010.

BATT O'KEEFFE,
Minister for Enterprise, Trade and Innovation.

EXPLANATORY NOTE

(This note is not part of the instrument and does not purport to be a legal interpretation).

The effect of this Order is to provide for penalties for infringements of Council Regulation (EU) No. 1284 of 22 December 2009 concerning certain restrictive measures in respect of the Republic of Guinea. The measures include a ban on technical assistance and the provision of finance relating to military activities and the sale, supply, transfer or export of equipment that might be used for internal repression in respect of the Republic of Guinea.

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