



STATUTORY INSTRUMENTS.

S.I. No. 88 of 2012



FINANCIAL TRANSFERS (CÔTE D'IVOIRE) (PROHIBITION) ORDER
2012

(Prn. A12/0520)

FINANCIAL TRANSFERS (CÔTE D'IVOIRE) (PROHIBITION) ORDER
2012

I, MICHAEL NOONAN, Minister for Finance, in exercise of the powers conferred on me by section 4 of the Financial Transfers Act 1992 (No. 27 of 1992) and for the purpose of giving full effect to Council Regulation (EC) No. 174/2005 of 31 January 2005¹, as amended, and Council Regulation (EC) No. 560/2005 of 12 April 2005², as amended, hereby order as follows:

1. This Order may be cited as the Financial Transfers (Côte d'Ivoire) (Prohibition) Order 2012.

2. (1) In this Order—

“Council Regulation (EC) No. 174/2005” means Council Regulation (EC) No. 174/2005 of 31 January 2005¹, as amended by—

- (a) Commission Regulation (EC) No. 1209/2005 of 27 July 2005³,
- (b) Council Regulation (EC) No. 1791/2006 of 20 November 2006⁴,
- (c) Council Regulation (EU) No. 1032/2010 of 15 November 2010⁵, and
- (d) Council Regulation (EU) No. 668/2011 of 12 July 2011⁶;

“Council Regulation (EC) No. 560/2005” means Council Regulation (EC) No. 560/2005 of 12 April 2005², as amended by—

- (a) Council Regulation (EC) No. 1791/2006 of 20 November 2006⁴,
- (b) Commission Regulation (EC) No. 1240/2008 of 10 December 2008⁷,
- (c) Council Regulation (EU) No. 25/2011 of 14 January 2011⁸,
- (d) Council Implementing Regulation (EU) No. 85/2011 of 31 January 2011⁹,

¹OJ No. L.29, 02.02.05, p.5.

²OJ No. L.95, 14.04.05, p.1.

³OJ No. L.197, 28.07.05, p.21.

⁴OJ No. L.363, 20.12.06, p.1.

⁵OJ No. L.298, 16.11.10, p.1.

⁶OJ No. L.183, 13.07.11, p.2.

⁷OJ No. L.334, 12.12.08, p.60.

⁸OJ No. L.11, 15.01.11, p.1.

⁹OJ No. L.28, 02.02.11, p.32.

*Notice of the making of this Statutory Instrument was published in
“Iris Oifigiúil” of 30th March, 2012.*

- (e) Council Regulation (EU) No. 330/2011 of 6 April 2011¹⁰,
- (f) Council Implementing Regulation (EU) No. 348/2011 of 8 April 2011¹¹,
- (g) Council Implementing Regulation (EU) No. 419/2011 of 29 April 2011¹²,
- (h) Council Implementing Regulation (EU) No. 623/2011 of 27 June 2011¹³,
- (i) Council Implementing Regulation (EU) No. 949/2011 of 22 September 2011¹⁴,
- (j) Council Implementing Regulation (EU) No. 113/2012 of 10 February 2012¹⁵, and
- (k) Council Implementing Regulation (EU) No. 193/2012 of 8 March 2012¹⁶.

(2) A word or expression which is used in this Order and which is also used in Council Regulation (EC) No. 174/2005 or in Council Regulation (EC) No. 560/2005 has, unless the context otherwise requires, the same meaning in this Order as it has in the Council Regulation concerned.

3. A person shall not make a financial transfer between the State and another country the effect of which would be to enable or facilitate, directly or indirectly, the doing of any thing which is a breach of Council Regulation (EC) No. 174/2005 or Council Regulation (EC) No. 560/2005.

4. Notwithstanding Article 3 of this Order, a person who has received an authorisation under Article 4 or 4a of Council Regulation (EC) No. 174/2005 or an authorisation under Article 3, 3a, 3b or 4 of Council Regulation (EC) No. 560/2005 may, subject to compliance with the terms and conditions of such authorisation, do such of the things referred to in Article 3 of this Order as are so authorised.

5. The Central Bank of Ireland may, for the purpose of supervision of financial transfers and for the administration and enforcement of the provisions of this Order, give such directions or issue such instructions to a person as it sees fit.

6. A person to whom a direction has been given or an instruction issued under Article 5 of this Order shall comply with such direction or instruction.

7. A person shall not do anything to directly or indirectly assist in the circumvention of the provisions of this Order.

¹⁰OJ No. L93, 07.04.11, p.10.

¹¹OJ No. L97, 12.04.11, p.1.

¹²OJ No. L111, 30.04.11, p.1.

¹³OJ No. L168, 28.06.11, p.2.

¹⁴OJ No. L247, 24.09.11, p.1.

¹⁵OJ No. L38, 11.02.12, p.1.

¹⁶OJ No. L71, 09.03.12, p.5.

8. The Financial Transfers (Côte D'Ivoire) (Prohibition) (No.5) Order 2011 (S.I. No. 563 of 2011) is revoked.



GIVEN under my Official Seal,
22 March 2012.

MICHAEL NOONAN,
Minister for Finance.

EXPLANATORY NOTE

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

This Order provides for enforcement of financial sanctions prohibiting financial transfers between the State and another country, as outlined in Council Regulation (EC) No. 174/2005, as amended, or Council Regulation (EC) No. 560/2005, as amended, concerning restrictive measures against Côte d'Ivoire. The financial sanctions include:

- a prohibition on financial assistance related to military activities in Côte d'Ivoire,
- a prohibition on financial assistance related to internal repression in Côte d'Ivoire, and
- the freezing of funds and economic resources of persons designated as constituting a threat to the peace and national reconciliation process in Côte d'Ivoire and other persons determined as being responsible for serious violations of human rights and international humanitarian law in Côte d'Ivoire or who are determined to be in violation of the arms embargo.

The Order provides that the Central Bank of Ireland may issue instructions for the purpose of giving full effect to the financial sanctions and requires compliance with such instructions.

The Financial Transfers Act 1992 allows for control of financial transfers between the State and other countries, creates an offence for breach of the provisions of any Order made under it and provides for appropriate penalties.

BAILE ÁTHA CLIATH
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Le ceannach díreach ón
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