



STATUTORY INSTRUMENTS.

S.I. No. 532 of 2013



EUROPEAN UNION (AFGHANISTAN) (FINANCIAL SANCTIONS)
(NO. 2) REGULATIONS 2013

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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 (EU) No. 753/2011 of 1 August 2011¹, as last amended by Council Implementing Regulation (EU) No. 451/2013 of 16 May 2013², hereby make the following regulations:

1. These Regulations may be cited as the European Union (Afghanistan) (Financial Sanctions) (No. 2) Regulations 2013.

2. (1) In these Regulations “Council Regulation” means Council Regulation (EU) No. 753/2011 of 1 August 2011¹ as amended by—

(a) Council Implementing Regulation (EU) No. 968/2011 of 29 September 2011³,

(b) Council Implementing Regulation (EU) No. 1049/2011 of 20 October 2011⁴,

(c) Council Implementing Regulation (EU) No. 263/2012 of 23 March 2012⁵,

(d) Council Implementing Regulation (EU) No. 543/2012 of 25 June 2012⁶,

(e) Council Implementing Regulation (EU) No. 643/2012 of 16 July 2012⁷,

(f) Council Implementing Regulation (EU) No. 705/2012 of 1 August 2012⁸,

(g) Council Implementing Regulation (EU) No. 1139/2012 of 3 December 2012⁹,

¹OJ No. L 199, 2.8.11, p. 1

²OJ No. L 133, 17.5.13, p. 1

³OJ No. L 257, 1.10.11, p. 1

⁴OJ No. L 276, 21.10.11, p. 2

⁵OJ No. L 87, 24.3.12, p. 1

⁶OJ No. L 165, 26.6.12, p. 5

⁷OJ No. L 187, 17.7.12, p. 13

⁸OJ No. L 206, 2.8.12, p. 5

⁹OJ No. L 332, 4.12.12, p. 1

*Notice of the making of this Statutory Instrument was published in
“Iris Oifigiúil” of 3rd January, 2014.*

- (h) Council Implementing Regulation (EU) No. 1244/2012 of 20 December 2012¹⁰,
- (i) Council Implementing Regulation (EU) No. 86/2013 of 31 January 2013¹¹,
- (j) Council Implementing Regulation (EU) No. 261/2013 of 21 March 2013¹², and
- (k) Council Implementing Regulation (EU) No. 451/2013 of 16 May 2013².

(2) A word or expression used in these Regulations that 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 who contravenes 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),

shall be guilty of an offence.

4. Notwithstanding Regulation 3, a person who has been granted or is deemed to have been granted an authorisation under Article 5 of the Council Regulation may, subject to compliance with the terms and conditions of such authorisation, do such of the things as are so authorised.

5. A person guilty of an offence under Regulation 3 shall be liable—

- (a) on summary conviction, to a class A fine 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.

6. A competent authority of the State may, for the purposes of the administration and enforcement of the provisions of the Council Regulation or these Regulations, give such directions or issue such instructions to a person as it sees fit.

¹⁰OJ No. L 352, 21.12.12, p. 13

¹¹OJ No. L 32, 1.2.13, p. 5

¹²OJ No. L 82, 22.3.13, p. 18

7. A person who fails to comply with a direction given or an instruction issued under Regulation 6 shall be guilty of an offence and shall be liable on summary conviction to a class A fine or imprisonment for a term not exceeding 6 months or both.

8. Where a body corporate is guilty of an offence and the offence is proved to have been committed with the consent or connivance 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 shall, as well as the body corporate, be 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.

9. The European Union (Afghanistan) (Financial Sanctions) Regulations 2013 (S.I. No. 78 of 2013) are revoked.



GIVEN under my Official Seal,
18 December 2013.

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 against certain persons and entities associated with the Taliban in Afghanistan imposed by Council Regulation (EU) No. 753/2011 of 1 August 2011, as amended. Most of the persons listed were previously listed under Council Regulation (EC) No. 881/2002 of 27 May 2002.

These Regulations provide that the Central Bank of Ireland may issue instructions for the purpose of giving full effect to the financial sanctions.

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