STATUTORY INSTRUMENTS.

S.I. No. 83 of 2019

EUROPEAN UNION (RESTRICTIVE MEASURES CONCERNING MYANMAR/BURMA) REGULATIONS 2019

S.I. No. 83 of 2019

European Union (Restrictive Measures in respect of Myanmar/Burma) Regulations 2019

I, PASCHAL DONOHOE, 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. 401/2013 of 2 May 2013[1], hereby make the following regulations:

1. These Regulations may be cited as the European Union (Restrictive Measures in respect of Myanmar/Burma) Regulations 2019.

2. (1) In these Regulations -

"Council Regulation" means Council Regulation (EU) No. 401/2013 of 2 May 2013[1] as amended by the European acts specified in Schedule 1;

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

3. (1) A person who contravenes a provision of the Council Regulation specified in Part 1 of the Schedule 2 shall be guilty of an offence.

(2) A person who contravenes a condition of an authorisation granted under a provision of the Council Regulation specified in Part 2 of the Schedule 2 shall be guilty of an offence.

4. A person who is guilty of an offence under Regulation 3 shall be liable -

(*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.

5. A competent authority in the State, following such consultation as it considers necessary with other competent authorities, for the purposes of the administration and enforcement of the Council Regulation or these Regulations, may give in writing such directions to a person as it sees fit.

[1] OJ No. L 121, 3.5.2013, p. 1

*Notice of the making of this Statutory Instrument was published in "Iris Oifigiúil"*15*th of March*, 2019

6. A person who fails to comply with a direction given under Regulation 5 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 both.

7. 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.

8. (1) Proceedings for an offence under these Regulations in relation to an act committed outside the State may be taken in any place in the State and the offence may for all incidental purposes be treated as having been committed in that place.

(2) Where a person is charged with an offence referred to in paragraph (1), no further proceedings in the matter (other than any remand in custody or on bail) may be taken except by or with the consent of the Director of Public Prosecutions.

(3) In proceedings for an offence referred to in paragraph (1)-

(*a*) a certificate purporting to be signed by an officer of the Department of Foreign Affairs and Trade and stating that a passport was issued by that Department to a person on a specified date, and

(*b*) a certificate that is signed by an officer of the Minister for Justice and Equality and stating that, to the best of the officer's knowledge and belief, the person has not ceased to be an Irish citizen,

is evidence that the person was an Irish citizen on the date on which the offence is alleged to have been committed, and is taken to have been signed by the person purporting to have signed it, unless the contrary is shown.

(4) A person who has been acquitted or convicted of an offence in a place outside the State shall not be proceeded against for an offence under these Regulations in relation to an act committed outside the State consisting of the conduct, or substantially the same conduct, that constituted the offence of which the person has been acquitted or convicted.

9. The European Union (Restrictive Measures in respect of Myanmar/Burma) Regulations (No.3) 2018 (S.I. No. 341 of 2018) are revoked.

Schedule 1

Council Regulation

1. Council Regulation (EU) No 401/2013 of 2 May 2013[2]
2. Council Regulation (EU) 2018/647 of 26 April 2018[3]
3. Council Implementing Regulation (EU) 2018/898 of 25 June 2018[4]
4. Council Implementing Regulation (EU) 2018/1117 of 10 August 2018[5]
5. Council Implementing Regulation (EU) 2018/2053 of 21 December 2018[6]

[2] OJ No. L 121, 3.5.2013, p. 1

[3] OJ No. L 108, 27.4.2018, p. 1

[4] OJ No. L 160 I, 25.6.2018, p. 1

[5] OJ No. L 204, 13.08.2018, p. 9

[6] OJ No. L 327 I, 21.12.2018, p. 1

Schedule 2

Part 1

Contravention of Provision of Council Regulation

Article 2

Article 3

Article 3a

Article 3b (1)

Article 3c

Article 4a

Article 4e (1)

Article 4g

Article 4h

Part 2

Authorisation under Provision of Council Regulation

Article 4

Article 4b (1)

Article 4d (1)

L.S.

GIVEN under the Official Seal of the Minister for Finance,
8 March, 2019.

Paschal Donohoe,
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 the enforcement of restrictive measures contained in Council Regulation (EU) No. 401/2013 of 2 May 2013 as amended, regarding restrictive measures concerning Myanmar/Burma.

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 provide for appropriate penalties.

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(Teil: 01 - 6476834 nó 1890 213434)

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DUBLIN
PUBLISHED BY THE STATIONERY OFFICE
To be purchased from
GOVERNMENT PUBLICATIONS,
52 ST. STEPHEN'S GREEN, DUBLIN 2.
(Tel: 01 - 6476834 or 1890 213434)

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ISBN 978-1-4468-9107-0

€3.00

(ASDF-2) 75. 3/19. Propylon.