STATUTORY INSTRUMENTS.

S.I. No. 184 of 2019

EUROPEAN UNION (RESTRICTIVE MEASURES CONCERNING UKRAINE) REGULATIONS (NO.2) 2019

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EUROPEAN UNION (RESTRICTIVE MEASURES CONCERNING UKRAINE) REGULATIONS (NO.2) 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. 208/2014 of 5 March 2014[1] as amended, Council Regulation (EU) No. 269/2014 of 17 March 2014[2] as amended, Council Regulation (EU) No. 692/2014 of 23 June 2014[3] as amended and Council Regulation (EU) No. 833/2014 of 31 July 2014[4] as amended hereby make the following regulations:

1. These Regulations may be cited as the European Union (Restrictive Measures concerning Ukraine) Regulations (No.2) 2019.

2. (1) In these Regulations -

"Council Regulation (EU) No. 208/2014" means Council Regulation (EU) No. 208/2014 of 5 March 2014[5] as amended by the European acts specified in Part 1 of Schedule 1;

"Council Regulation (EU) No. 269/2014" means Council Regulation (EU) No. 269/2014 of 17 March 2014[6] as amended by the European acts specified in Part 2 of Schedule 1;

"Council Regulation (EU) No. 692/2014" means Council Regulation (EU) No. 692/2014 of 23 June 2014[7] as amended by the European acts specified in Part 3 of Schedule 1;

"Council Regulation (EU) No. 833/2014" means Council Regulation (EU) No. 833/2014 of 31 July 2014[8] as amended by the European acts specified in Part 4 of 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.

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[1] OJ No. L 66, 6.3.2014, p. 1
[2] OJ No. L 78, 17.3.2014, p. 6
[3] OJ No. L 183, 24.6.2014, p. 9
[4] OJ No. L 229, 31.7.2014, p. 1
[5] OJ No. L 66, 6.3.2014, p. 1
[6] OJ No. L 78, 17.3.2014, p. 6
[7] OJ No. L 183, 24.6.2014, p. 9
[8] OJ No. L 229, 31.7.2014, p. 1

3. (1) A person who contravenes a provision of-

(*a*) Council Regulation (EU) No. 208/2014 specified in paragraph 1 of Part 1 of Schedule 2

(*b*) Council Regulation (EU) No. 269/2014 specified in paragraph 2 of Part 1 of Schedule 2

(*c*) Council Regulation (EU) No. 692/2014 specified in paragraph 3 of Part 1 of Schedule 2

(*d*) Council Regulation (EU) No. 833/2014 specified in paragraph 4 of Part 1 of Schedule 2

shall be guilty of an offence.

(2) A person who contravenes a condition of an authorisation granted under a provision of-

(*a*) Council Regulation (EU) No. 208/2014 specified in paragraph 1 of Part 2 of Schedule 2

(*b*) Council Regulation (EU) No. 269/2014 specified in paragraph 2 of Part 2 of Schedule 2

(*c*) Council Regulation (EU) No. 692/2014 specified in paragraph 3 of Part 2 of Schedule 2

(*d*) Council Regulation (EU) No. 833/2014 specified in paragraph 4 of Part 2 of Schedule 2

shall be guilty of an offence.

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

(*a*) 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.

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 concerning Ukraine) Regulations 2019 (S.I. No. 82 of 2019) are revoked.

Schedule 1

Part 1 Council Regulation (EU) No. 208/2014

1. Council Implementing Regulation (EU) No. 381/2014 of 14 April 2014[9]
2. Council Regulation (EU) 2015/138 of 29 January 2015[10]
3. Council Implementing Regulation (EU) 2015/357 of 5 March 2015[11]
4. Council Implementing Regulation (EU) 2015/869 of 5 June 2015[12]
5. Council Implementing Regulation (EU) 2015/1777 of 5 October 2015[13]
6. Council Implementing Regulation (EU) 2016/311 of 4 March 2016[14]
7. Council Implementing Regulation (EU) 2017/374 of 3 March 2017[15]
8. Council Implementing Regulation (EU) 2018/326 of 5 March 2018[16]
8. Council Implementing Regulation (EU) 2019/352 of 4 March 2019[17]

Part 2 Council Regulation (EU) No. 269/2014

1. Council Implementing Regulation (EU) No. 284/2014 of 21 March 2014[18]
2. Council Implementing Regulation (EU) No. 433/2014 of 28 April 2014[19]
3. Council Regulation (EU) No. 476/2014 of 12 May 2014[20]
4. Council Implementing Regulation (EU) No. 477/2014 of 12 May 2014[21]
5. Council Implementing Regulation (EU) No. 577/2014 of 28 May 2014[22]
6. Council Implementing Regulation (EU) No. 753/2014 of 11 July 2014[23]
7. Council Regulation (EU) No. 783/2014 of 18 July 2014[24]
8. Council Implementing Regulation (EU) No. 810/2014 of 25 July 2014[25]
9. Council Regulation (EU) No. 811/2014 of 25 July 2014[26]
10. Council Implementing Regulation (EU) No. 826/2014 of 30 July 2014[27]

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[9] OJ No. L 111, 15.4.2014, p. 33
[10] OJ No. L 24, 30.1.2015, p. 1
[11] OJ No. L 62, 6.3.2015, p. 1
[12] OJ No. L 142, 6.6.2015, p. 1
[13] OJ No. L 259, 6.10.2015, p. 3
[14] OJ No. L 60, 5.3.2016, p. 1
[15] OJ No. L 58, 4.3.2017, p. 1
[16] OJ No. L 63, 6.3.2018, p. 5
[17] OJ No. L 64, 5.3.2019, p. 1
[18] OJ No. L 86, 21.3.2014, p. 27
[19] OJ No. L 126, 29.4.2014, p. 48
[20] OJ No. L 137, 12.5.2014, p. 1
[21] OJ No. L 137, 12.5.2014, p. 3
[22] OJ No. L 160, 29.5.2014, p. 7
[23] OJ No. L 205, 12.7.2014, p. 7
[24] OJ No. L 214, 19.7.2014, p. 2
[25] OJ No. L 221, 25.7.2014, p. 1
[26] OJ No. L 221, 25.7.2014, p. 11

11. Council Regulation (EU) No. 959/2014 of 8 September 2014[28]
12. Council Implementing Regulation (EU) No. 961/2014 of 8 September 2014[29]
13. Council Implementing Regulation (EU) No. 1225/2014 of 17 November 2014[30]
14. Council Implementing Regulation (EU) No. 1270/2014 of 28 November 2014[31]
15. Council Implementing Regulation (EU) 2015/240 of 9 February 2015[32]
16. Council Implementing Regulation (EU) 2015/427 of 13 March 2015[33]
17. Council Implementing Regulation (EU) 2015/1514 of 14 September 2015[34]
18. Council Implementing Regulation (EU) 2016/353 of 10 March 2016[35]
19. Council Implementing Regulation (EU) 2016/1661 of 15 September 2016[36]
20. Council Implementing Regulation (EU) 2016/1955 of 8 November 2016[37]
21. Council Implementing Regulation (EU) 2017/437 of 13 March 2017[38]
22. Council Implementing Regulation (EU) 2017/1374 of 25 July 2017[39]
23. Council Implementing Regulation (EU) 2017/1417 of 4 August 2017[40]
24. Council Implementing Regulation (EU) 2017/1547 of 14 September 2017[41]
25. Council Implementing Regulation (EU) 2017/1549 of 14 September 2017[42]
26. Council Implementing Regulation (EU) 2017/2153 of 20 November 2017[43]
27. Council Implementing Regulation (EU) 2018/388 of 12 March 2018[44]
28. Council Implementing Regulation (EU) 2018/705 of 14 May 2018[45]

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[27] OJ No. L 226, 30.7.2014, p. 16
[28] OJ No. L 271, 12.9.2014, p. 1
[29] OJ No. L 271, 12.9.2014, p. 8
[30] OJ No. L 331, 18.11.2014, p. 1
[31] OJ No. L 344, 29.11.2014, p. 5
[32] OJ No. L 40, 16.2.2015, p. 7
[33] OJ No. L 70, 14.3.2015, p. 1
[34] OJ No. L 239, 15.9.2015, p. 30
[35] OJ No. L 67, 12.3.2016, p. 1
[36] OJ No. L 249, 16.9.2016, p. 1
[37] OJ No. L 301, 9.11.2016, p. 1
[38] OJ No. L 67, 14.3.2017, p. 34
[39] OJ No. L 194, 26.7.2017, p. 1
[40] OJ No. L 203, 4.8.2017, p. 1
[41] OJ No. L 237, 15.9.2017, p. 37
[42] OJ No. L 237, 15.9.2017, p. 44
[43] OJ No. L 304, 21.11.2017, p. 3
[44] OJ No. L 69, 13.3.2018, p. 11

29. Council Implementing Regulation (EU) 2018/1072 of 30 July 2018[46]
30. Council Implementing Regulation (EU) 2018/1230 of 12 September 2018[47]
31. Council Implementing Regulation (EU) 2018/1929 of 10 December 2018[48]
32. Council Implementing Regulation (EU) 2019/92 of 21 January 2019[49]
33. Council Implementing Regulation (EU) 2019/408 of 14 March 2019[50]
34. Council Implementing Regulation (EU) 2019/409 of 14 March 2019[51]

Part 3 Council Regulation (EU) No. 692/2014

1. Council Regulation (EU) No. 825/2014 of 30 July 2014[52]
2. Council Regulation (EU) No. 1351/2014 of 18 December 2014[53]

Part 4 Council Regulation (EU) No. 833/2014

1. Council Regulation (EU) No. 960/2014 of 8 September 2014[54]
2. Council Regulation (EU) No. 1290/2014 of 4 December 2014[55]
3. Council Regulation (EU) 2015/1797 of 7 October 2015[56]
4. Council Regulation (EU) 2017/2212 of 30 November 2017[57]

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[45] OJ No. L 118I, 14.5.2018, p. 1
[46] OJ No. L 194, 31.7.2018, p. 27
[47] OJ No. L 231, 14.9.2018, p. 1
[48] OJ No. L 313 I, 10.12.2018, p. 1
[49] OJ No. L 19, 22.1.2019, p. 1
[50] OJ No. L 73, 15.3.2019, p. 9
[51] OJ No. L 73, 15.3.2019, p. 16
[52] OJ No. L 226, 30.7.2014, p. 2
[53] OJ No. L 365, 19.12.2014, p. 46
[54] OJ No. L 271, 12.9.2014, p. 3
[55] OJ No. L 349, 5.12.2014, p. 20
[56] OJ No. L 263, 8.10.2015, p. 10
[57] OJ No. L 316, 1.12.2017, p. 15

Schedule 2

Part 1

1. Contravention of Provision of Council Regulation (EU) No. 208/2014

Article 2

Article 8 (1)

Article 9

2. Contravention of Provision of Council Regulation (EU) No. 269/2014

Article 2

Article 8 (1)

Article 9

3. Contravention of Provision of Council Regulation (EU) No. 692/2014

Article 2

Article 2a (1)

Article 2b (1) or (2)

Article 2c (1) or (3)

Article 2d (1) or (2)

Article 4

4. Contravention of Provision of Council Regulation (EU) No. 833/2014

Article 2 (1)

Article 2a (1) or (2)

Article 3a (1)

Article 4 (1)

Article 5

Article 12

Part 2

1. **Authorisation under Provision of Council Regulation (EU) No. 208/2014**

Article 4

Article 5

Article 6

2. **Authorisation under Provision of Council Regulation (EU) No. 269/2014**

Article 4

Article 6

3. **Authorisation under Provision of Council Regulation (EU) No. 692/2014**

Article 2e

4. **Authorisation under Provision of Council Regulation (EU) No. 833/2014**

Article 2

Article 3

Article 4

GIVEN under my Official Seal,

_____ 2019.

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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. 208/2014 of 5 March 2014 as amended, Council Regulation (EU) No. 269/2014 of 17 March 2014 as amended, Council Regulation (EU) No. 692/2014 of 23 June 2014 as amended, and Council Regulation (EU) No. 833/2014 of 31 July 2014 as amended, regarding restrictive measures concerning Ukraine.

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 provides for appropriate penalties.

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