



STATUTORY INSTRUMENTS.

S.I. No. 392 of 2020

EUROPEAN UNION (RESTRICTIVE MEASURES CONCERNING THE
DEMOCRATIC REPUBLIC OF THE CONGO) (NO. 2) REGULATIONS
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I, LEO VARADKAR, Minister for Business, Enterprise 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 full effect to Council Regulation (EC) No 1183/2005 of 18 July 2005¹, as amended, hereby make the following regulations:

1. These Regulations may be cited as the European Union (Restrictive Measures concerning the Democratic Republic of the Congo) (No. 2) Regulations 2020.

2. (1) In these Regulations -

“Council Regulation” means Council Regulation (EC) No 1183/2005 of 18 July 2005¹ 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. A person who contravenes a provision of the Council Regulation specified in Schedule 2 shall be guilty of an offence.

4. Notwithstanding Regulation 3, a person who has received an authorisation under Article 1, 3(1), 3(2), 4(1) or 4b(1) 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 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

¹ OJ L193, 23.7.2005, p.1

- (b) on conviction on indictment, to a fine not exceeding €500,000 or to imprisonment for a term not exceeding 3 years or both.

6. 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.

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

8. 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.

9. (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.

10. European Union (Restrictive Measures concerning the Democratic Republic of the Congo) Regulations 2020 (S.I. No. 66 of 2020) are revoked.

Schedule 1
Council Regulation

1. Commission Regulation (EC) No 1824/2005 of 9 November 2005²
2. Commission Regulation (EC) No 84/2006 of 18 January 2006³
3. Council Regulation (EC) No 1791/2006 of 20 November 2006⁴
4. Commission Regulation (EC) No 201/2007 of 23 February 2007⁵
5. Commission Regulation (EC) No 400/2007 of 12 April 2007⁶
6. Commission Regulation (EC) No 933/2007 of 3 August 2007⁷
7. Commission Regulation (EC) No 1096/2007 of 20 September 2007⁸
8. Commission Regulation (EC) No 242/2009 of 20 March 2009⁹
9. Commission Regulation (EU) No 1250/2010 of 22 December 2010¹⁰
10. Commission Implementing Regulation (EU) No 1097/2011 of 25 October 2011¹¹
11. Commission Implementing Regulation (EU) No 7/2012 of 5 January 2012¹²
12. Commission Implementing Regulation (EU) No 1251/2012 of 20 December 2012¹³
13. Commission Implementing Regulation (EU) No 53/2013 of 22 January 2013¹⁴
14. Council Regulation (EU) No 517/2013 of 13 May 2013¹⁵
15. Council Regulation (EU) No 521/2013 of 6 June 2013¹⁶
16. Council Regulation (EU) No 271/2014 of 17 March 2014¹⁷
17. Council Implementing Regulation (EU) No 1275/2014 of 1 December 2014¹⁸

² OJ L 294, 10.11.2005, p.3

³ OJ L 14, 19.1.2006, p.14

⁴ OJ L 363, 20.12.2006, p.1

⁵ OJ L 59, 27.2.2007, p.73

⁶ OJ L 98, 13.4.2007, p.20

⁷ OJ L 204, 4.8.2007, p.5

⁸ OJ L 246, 21.9.2007, p.29

⁹ OJ L 75, 21.3.2009, p.8

¹⁰ OJ L 341, 23.12.2010, p.11

¹¹ OJ L 285, 1.11.2011, p.2

¹² OJ L 4, 7.1.2012, p.1

¹³ OJ L 352, 21.12.2012, p.42

¹⁴ OJ L 20, 23.1.2013, p.46

¹⁵ OJ L 158, 10.6.2013, p.1

¹⁶ OJ L 156, 8.6.2013, p.1

¹⁷ OJ L 79, 18.3.2014, p.35

¹⁸ OJ L 346, 2.12.2014, p.3

18. Council Regulation (EU) 2015/613 of 20 April 2015¹⁹
19. Council Implementing Regulation (EU) 2015/614 of 20 April 2015²⁰
20. Council Regulation (EU) 2016/1165 of 18 July 2016²¹
21. Council Regulation (EU) 2016/2230 of 12 December 2016²²
22. Council Implementing Regulation (EU) 2017/199 of 6 February 2017²³
23. Council Implementing Regulation (EU) 2017/396 of 7 March 2017²⁴
24. Council Implementing Regulation (EU) 2017/904 of 29 May 2017²⁵
25. Council Regulation (EU) 2017/1326 of 17 July 2017²⁶
26. Council Implementing Regulation (EU) 2018/197 of 9 February 2018²⁷
27. Council Implementing Regulation (EU) 2018/569 of 12 April 2018²⁸
28. Council Implementing Regulation (EU) 2018/1931 of 10 December 2018²⁹
29. Council Implementing Regulation (EU) 2019/2101 of 9 December 2019³⁰
30. Council Implementing Regulation (EU) 2020/189 of 12 February 2020³¹
31. Council Implementing Regulation (EU) 2020/415 of 19 March 2020³²

¹⁹ OJ L 102, 21.4.2015, p.3

²⁰ OJ L 102, 21.4.2015, p.10

²¹ OJ L 193, 19.7.2016, p.15

²² OJ L 336, 12.12.2016, p.1

²³ OJ L 32, 7.2.2017, p.1

²⁴ OJ L 60, 8.3.2017, p.9

²⁵ OJ L 138 I, 29.5.2017, p.1

²⁶ OJ L 185, 18.7.2017, p.19

²⁷ OJ L 38, 10.2.2018, p.2

²⁸ OJ L 95, 13.4.2018, p.9

²⁹ OJ L 314, 11.12.2018, p.1

³⁰ OJ L 318, 10.12.2019, p.1

³¹ OJ L 40, 13.2.2020, p.1

³² OJ L 86, 20.3.2020, p.1

Schedule 2
Contravention of Provision of Council Regulation

Article 1a

Article 2

Article 6(1)

Article 7b



GIVEN under my Official Seal,
18 September, 2020.

LEO VARADKAR,
Minister for Business, Enterprise and Innovation.

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 1183/2005 regarding restrictive measures concerning the Democratic Republic of the Congo.

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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