



STATUTORY INSTRUMENTS.

S.I. No. 391 of 2020

EUROPEAN UNION (RESTRICTIVE MEASURES CONCERNING THE
DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA) REGULATIONS 2020

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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 (EU) 2017/1509 of 30 August 2017¹, as amended, hereby make the following regulations:

1. These Regulations may be cited as the European Union (Restrictive Measures concerning the Democratic People's Republic of Korea) Regulations 2020.

2. (1) In these Regulations -

“Council Regulation” means Council Regulation (EU) 2017/1509 of 30 August 2017¹ 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 Part 1 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) 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. Notwithstanding Regulation 3, a person who has received an authorisation under a provision of the Council Regulation specified in Part 2 of Schedule 2 may, subject to compliance with the terms and conditions of such authorisation, do such of the things as are so authorised.

¹ OJ L 224, 31.8.2017, p.1

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 Defence 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 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. European Union (Restrictive Measures concerning the Democratic People's Republic of Korea) (No. 4) Regulations 2019 (S.I. No. 498 of 2019) are revoked.

Schedule 1
Council Regulation

1. Council Regulation (EU) 2017/1548 of 14 September 2017²
2. Council Implementing Regulation (EU) 2017/1568 of 15 September 2017³
3. Council Regulation (EU) 2017/1836 of 10 October 2017⁴
4. Council Regulation (EU) 2017/1858 of 16 October 2017⁵
5. Council Implementing Regulation (EU) 2017/1859 of 16 October 2017⁶
6. Council Implementing Regulation (EU) 2017/1897 of 18 October 2017⁷
7. Council Regulation (EU) 2017/2062 of 13 November 2017⁸
8. Council Implementing Regulation (EU) 2018/12 of 8 January 2018⁹
9. Council Implementing Regulation (EU) 2018/53 of 12 January 2018¹⁰
10. Council Implementing Regulation (EU) 2018/87 of 22 January 2018¹¹
11. Council Regulation (EU) 2018/285 of 26 February 2018¹²
12. Council Implementing Regulation (EU) 2018/548 of 6 April 2018¹³
13. Council Implementing Regulation (EU) 2018/602 of 19 April 2018¹⁴
14. Council Implementing Regulation (EU) 2018/714 of 14 May 2018¹⁵
15. Council Implementing Regulation (EU) 2018/814 of 1 June 2018¹⁶
16. Council Implementing Regulation (EU) 2018/1009 of 17 July 2018¹⁷
17. Council Implementing Regulation (EU) 2018/1074 of 30 July 2018¹⁸
18. Council Implementing Regulation (EU) 2018/1231 of 13 September 2018¹⁹

² OJ L 237, 15.9.2017, p.39

³ OJ L 238, 16.9.2017, p.10

⁴ OJ L 261, 11.10.2017, p.1

⁵ OJ L 265 I, 16.10.2017, p.1

⁶ OJ L 265 I, 16.10.2017, p.5

⁷ OJ L 269, 19.10.2017, p.1

⁸ OJ L 295, 14.11.2017, p.4

⁹ OJ L 4, 9.1.2018, p.1

¹⁰ OJ L 10, 13.1.2018, p.1

¹¹ OJ L 16 I, 22.1.2018, p.1

¹² OJ L 55, 27.2.2018, p.1

¹³ OJ L 91, 9.4.2018, p.2

¹⁴ OJ L 101, 20.4.2018, p.16

¹⁵ OJ L 120, 16.5.2018, p.1

¹⁶ OJ L 137, 4.6.2018, p.1

¹⁷ OJ L 181, 18.7.2018, p.1

¹⁸ OJ L 194, 31.7.2018, p.32

¹⁹ OJ L 231, 14.9.2018, p.11

19. Council Implementing Regulation (EU) 2018/1284 of 24 September 2018²⁰
20. Council Implementing Regulation (EU) 2018/1606 of 25 October 2018²¹
21. Council Implementing Regulation (EU) 2018/1654 of 6 November 2018²²
22. Council Implementing Regulation (EU) 2019/93 of 21 January 2019²³
23. Commission Implementing Regulation (EU) 2019/1083 of 21 June 2019²⁴
24. Council Implementing Regulation (EU) 2019/1207 of 15 July 2019²⁵
25. Council Implementing Regulation (EU) 2020/730 of 3 June 2020²⁶

²⁰ OJ L 240, 25.9.2018, p.2

²¹ OJ L 268, 26.10.2018, p.20

²² OJ L 276, 7.11.2018, p.3

²³ OJ L 19, 22.1.2019, p.3

²⁴ OJ L 171, 26.6.2019, p.8

²⁵ OJ L 191, 17.7.2019, p.1

²⁶ OJ L 172, 3.6.2020, p.1

Schedule 2
Part 1
Contravention of Provision of Council Regulation

Article 3(1)
Article 5(1) or (2)
Article 7(1)
Article 9(1)
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Article 8(1) or (2)

Article 10(4)

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Article 17b

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Article 35(1) or (2)

Article 36(1) or (2)

Article 40(1), (2) or (3)

Article 42

Article 44(1), (2) or (3)

Article 45

L.S.

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) 2017/1509 as amended, regarding restrictive measures concerning Democratic People's Republic of Korea.

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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