

Statutory Document No. 2018/0333



European Communities (Isle of Man) Act 1973

EUROPEAN UNION (SOMALIA SANCTIONS) (APPLICATION) (AMENDMENT) (NO. 2) ORDER 2018

Approved by Tynwald:

Coming into Operation: in accordance with article 2

The Council of Ministers makes the following Order under section 2A of the European Communities (Isle of Man) Act 1973.

1 Title

This Order is the European Union (Somalia Sanctions) (Application) (Amendment) (No. 2) Order 2018.

2 Commencement

This Order comes into operation immediately after it is made¹.

3 Application of EU instrument

(1) Subject to paragraph (2) and the modifications set out in the Schedule, Council Regulation (EU) 2018/1933² of 10 December 2018 amending Regulation (EU) 356/2010³ imposing certain specific restrictive measures directed against certain natural or legal persons, entities or bodies, in view of the situation in Somalia (“**Regulation (EU) 2018/1933**”) applies as part of the law of the Island.

¹ An order made under section 2A of the European Communities (Isle of Man) Act 1973, to which section 2A(4A) applies, shall be laid before Tynwald as soon as practicable after it is made, and if Tynwald at the sitting at which the order is laid or at the next following sitting fails to approve it, the order shall cease to have effect.

² OJ L314, 11.12.2018, p.9.

³ Council Regulation (EU) 356/2010 of 26 April 2010 imposing certain specific restrictive measures directed against certain natural or legal persons, entities or bodies, in view of the situation in Somalia. Council Regulation (EU) 356/2010 was applied to the Island with modifications by SD 562/10. Previous amendments to Council Regulation (EU) 356/2010 by Council Regulations (EU) 956/2011, 641/2012, 432/2013 and 2017/2415 were applied in the Island with modifications by SD 905/11, SD 644/12, SD 255/13 and SD 2018/0016 respectively.

- (2) This Order does not apply in respect of provisions that apply as part of the law of the Island under section 2(1) of the European Communities (Isle of Man) Act 1973.

MADE 15.30 13TH DECEMBER 2018

W GREENHOW
Chief Secretary

SCHEDULE

[Article 3]

MODIFICATIONS TO REGULATION (EU) 2018/1933

1 General

- (1) In this Schedule a reference to a numbered Article or Annex (without more) is a reference to that Article or Annex so numbered of Regulation (EU) 2018/1933.
- (2) References in Regulation (EU) 2018/1933 to “Member States” and “the Union” shall be read as if the Island were itself a Member State, its territory were included within the territory of the Union and for the purposes of European Union law were a separate country from the United Kingdom.
- (3) The reference to the Union does not include the Island in the term “High Representative of the Union for Foreign Affairs and Security Policy”.

2 Specific modifications

- (1) Omit Article 2.
- (2) After Article 2, omit the statement of application and effect.

*EXPLANATORY NOTE**(This note is not part of the Order)*

This Order applies Council Regulation (EU) 2018/1933 of 10 December 2018, amending Council Regulation (EU) 356/2010 imposing certain specific restrictive measures directed against certain natural or legal persons, entities or bodies, in view of the situation in Somalia, as part of the law of the Island, subject to certain modifications.

Council Regulation (EU) 2018/1933 substitutes Article 2(3)(a) of Regulation (EU) 356/2010 to update the listing criteria of designated persons or entities following United Nations Security Council (“UNSC”) Resolution 2444 (2018). The UNSC noted that one of the listing criteria in Resolution 1844 (2008) is engaging in, or providing support for, acts that threaten the peace, security or stability of Somalia, and decided that such acts may also include, but are not limited to planning, directing or committing acts involving sexual and gender-based violence.

A copy of Council Regulation (EU) 2018/1933 as modified is attached as an Annex, but the Annex does not form part of the Order.

Annex
COUNCIL REGULATION (EU) 2018/1933
of 10 December 2018

amending Regulation (EU) No 356/2010 imposing certain specific restrictive measures directed against certain natural or legal persons, entities or bodies, in view of the situation in Somalia

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 215 thereof,

Having regard to Council Decision 2010/231/CFSP of 26 April 2010 concerning restrictive measures against Somalia and repealing Common Position 2009/138/CFSP⁴,

Having regard to the joint proposal of the High Representative of the Union for Foreign Affairs and Security Policy and of the European Commission,

Whereas:

- (1) Council Regulation (EU) No 356/2010⁵ gives effect to measures provided for in Decision 2010/231/CFSP.
- (2) On 14 November 2018, the United Nations Security Council (UNSC) adopted Resolution 2444 (2018). This Resolution notes that one of the listing criteria under Resolution 1844 (2008) is engaging in or providing support for acts that threaten the peace, security or stability of Somalia, and decides that such acts may also include, but are not limited to planning, directing or committing acts involving sexual and gender-based violence.
- (3) Council Decision (CFSP) 2018/1945⁶ amended Decision 2010/231/CFSP in order to reflect the changes in UNSC Resolution 2444 (2018).
- (4) These measures fall within the scope of the Treaty and, therefore, notably with a view to ensuring their uniform application in all Member States, regulatory action at the level of the Union is necessary.
- (5) Regulation (EU) No 356/2010 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Article 2(3), subparagraph (a) of Regulation (EU) No 356/2010 is replaced by the following:

⁴ Council Decision 2010/231/CFSP of 26 April 2010 concerning restrictive measures against Somalia and repealing Common Position 2009/138/CFSP (OJ L105, 27.4.2010, p.17).

⁵ Council Regulation (EU) No 356/2010 of 26 April 2010 imposing certain specific restrictive measures directed against certain natural or legal persons, entities or bodies, in view of the situation in Somalia (OJ L105, 27.4.2010, p.1).

⁶ Council Decision (CFSP) 2018/1945 of 10 December 2018 amending Decision 2010/231/CFSP concerning restrictive measures against Somalia (see page 61 of OJ L314, 11.12.2018).

- '(a) engaging in, or providing support for, acts that threaten the peace, security or stability of Somalia, where such acts include, but are not limited to:
- (i) planning, directing or committing acts involving sexual and gender-based violence;
 - (ii) acts that threaten the peace and reconciliation process in Somalia;
 - (iii) acts that threaten the Federal Government of Somalia or the African Union Mission in Somalia (AMISOM) by force;'

Article 2

~~This Regulation shall enter into force on the day following that of its publication in the Official Journal of the European Union.~~

~~This Regulation shall be binding in its entirety and directly applicable in all Member States.~~

Done at Brussels, 10 December 2018.

For the Council

The President

F. MOGHERINI