

Explanatory Memorandum for Tynwald Members

Issued by Issued by the Treasury

To The Hon Stephen Rodan MLC, President of Tynwald and the Hon Council and Keys in Tynwald assembled

Tynwald – December 2018

Application and implementation of European Union sanctions

1. TITLE OF MEASURES

The following item is to be **moved for approval**:

- European Union (Chemical Weapons Sanctions) Order 2018 – *SD 2018/0280*

The following item is subject to the **negative resolution** procedure:

- Chemical Weapons Sanctions Regulations 2018 – *SD 2018/0281*

2. CHANGES IN POLICY

None.

3. EFFECTS OF THE MEASURES

The order applies the EU instrument listed below to the Island with certain modifications and the regulations implement the EU instrument as it has effect in the Island. A brief description of the effect of the EU instrument is provided.

Council Regulation (EU) 2018/1542 of 15 October 2018 concerning restrictive measures against the proliferation and use of chemical weapons.

On 22 March 2018, the European Council concluded that the use of chemical weapons, including the use of any toxic chemicals as weapons under any circumstances, is completely unacceptable, must be systematically and rigorously condemned, and constitutes a security threat to all.

On 15 October 2018, the Council of the European Union adopted Regulation 2018/1542, which provides for the freezing of funds and economic resources of certain persons, entities or bodies that –

- a) are responsible for, provide financial, technical or material support for, or are otherwise involved in, manufacturing or using chemical weapons or engaging in preparations for the use of chemical weapons; and
- b) assist or encourage such activities.

So far, no individuals or entities have been listed.

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4. REASONS FOR THE MEASURES

Due to international reputational reasons, this matter is considered nationally important. It is established practice that the Isle of Man keeps its sanctions regime in line with that of the United Kingdom and the European Union.

If the Island did not keep its sanctions regimes in line with the UK, there may be a reputational risk to the Island which could potentially be used to circumnavigate such measures.

5. RESOURCE IMPLICATIONS

It is not considered that there any resource implications.

6. TYNWALD PROCEDURE

These application Orders are made under section 2A of the European Communities (Isle of Man) Act 1973 which provides that the Council of Ministers can make Orders in relation to EU sanctions measures that come into operation with immediate effect, but for which the approval of Tynwald must be sought as soon as practically possible after such Orders have been made.

The implementing Regulations were made under section 2B of the 1973 Act which provides that they may come into operation with immediate effect but they must then be laid before Tynwald at the earliest opportunity, where they are subject to the negative resolution procedure.