

## Explanatory Memorandum for Tynwald Members

Issued by the Treasury

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

**Tynwald – February 2018**

### **Application and implementation of European Union sanctions**

#### **1. TITLE OF MEASURES**

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

- European Union (Somalia Sanctions) (Application) (Amendment) Order 2018 – *SD 2018/0016*

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

- Somalia Sanctions (Amendment) Regulations 2018 – *SD 2018/0017*

#### **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) 2017/2415 of 21 December 2017 amending Regulation (EU) 356/2010 imposing certain specific restrictive measures directed against certain natural or legal person, entities or bodies, in view of the situation in Somalia.

On 14 November 2017, the United Nations Security Council adopted UNSCR 2385(2017). The Resolution provides for an exemption from the assets freeze and from the prohibition on making funds, other financial assets and economic resources available for urgently needed humanitarian assistance in Somalia, by the United Nations, its specialised agencies or programmes, humanitarian organisations having observer status with the United Nations General Assembly that provide humanitarian assistance, and their implementing partners including bilaterally or multilaterally funded non-governmental organisations participating in the United Nations Humanitarian Response Plan for Somalia.

Regulation (EU) 2017/2415 therefore amends Regulation (EU) 356/2010 by making reference to 'the United Nations Humanitarian Response Plan for Somalia' rather than the previous reference to 'the UN Consolidated Appeal for Somalia'.

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As a result, Council Regulation (EU) 356/2010, which was applied in the Island by the European Union (Somalia Sanctions) (Application) Order 2010 [SD 0562/10], requires an amendment, and consequential amendment to the Somalia Sanctions Regulations 2010 [SD 0564/10].

### **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.