



EUROPEAN COMMUNITIES (ISLE OF MAN) ACT 1973

**EUROPEAN COMMUNITIES (INDONESIA SANCTIONS)
(APPLICATION) ORDER 2000**

Draft laid before Tynwald 16th November 1999
Draft approved by Tynwald 14th December 1999
Coming into operation in accordance with Article 1

In exercise of the powers conferred on the Governor in Council by section 2A of the European Communities (Isle of Man) Act 1973^(a), and of all other powers enabling him in that behalf, the following Order is hereby made :-

Citation and commencement

1. (1) This Order may be cited as the European Communities (Indonesia Sanctions) (Application) Order 2000 and shall come into operation on the day on which it is made.

Application of Community instrument

2. (1) Subject to paragraph (2) and to the modifications set out in the Schedule, Council Regulation (EC) Number 2158/1999 shall apply as part of the law of the Island to the same extent as in the United Kingdom.

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

^(a) 1973 c.14.

SCHEDULE

LIST OF MODIFICATIONS TO THE APPLIED INSTRUMENT

Council Regulation (EC) No 2158/1999 of 11 October 1999 concerning a ban on the supply to Indonesia of equipment which might be used for internal repression or terrorism.

1. Throughout the instrument, references to "Member State", "Member States", "the Community" and "the territory of the Community" shall be construed as including the Isle of Man.
2. Omit Articles 4 and 6.
3. In Annex II, the reference to the United Kingdom shall be construed as including the Isle of Man.

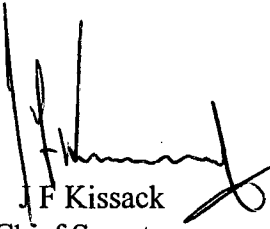
Made this

5th

day of

January

2000


J F Kissack
Chief Secretary

EXPLANATORY NOTE

(This is not part of the Order)

This Order applies provisions of European Community Council Regulation No 2158/1999 to the Island as part of the law of the Island. The Regulation deals with the imposition of restrictions on the supply of equipment which might be used for internal repression or terrorism to Indonesia. A copy of the Regulation is included as an Annex but does not form part of the Order.

Annex

COUNCIL REGULATION (EC) No 2158/1999

of 11 October 1999

**concerning a ban on the supply to Indonesia of equipment which might be used for
internal repression or terrorism**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 301 thereof,

Having regard to Council Common Position 1999/624/CFSP of 16 September 1999, concerning restrictive measures against the Republic of Indonesia,

Having regard to the proposal from the Commission,

Whereas:

- (1) Common Position 1999/624/CFSP, in view of the current situation in East Timor where serious violations of human rights and international humanitarian law are taking place, provides for a ban on the supply to Indonesia of equipment which might be used for internal repression or terrorism;
- (2) That measure falls within the scope of the Treaty establishing the European Community;
- (3) Therefore, and with a view to avoiding distortion of competition, Community legislation is necessary for the implementation of that measure as far as the territory of the Community is concerned; such territory is deemed to encompass, for the purposes of this Regulation, all the territories of the Member States to which the Treaty establishing the European Community is applicable, under the conditions laid down in that Treaty;
- (4) A procedure should be provided to amend, if necessary, the list of equipment which might be used for internal repression or terrorism;
- (5) There is a need for the Commission and the Member States to inform each other of the measures taken under this Regulation and of other relevant information at their disposal in connection with this Regulation, without prejudice to existing obligations with regard to certain items concerned;
- (6) In view of the possibly limited duration of the Regulation, it should be provided that sanctions can be imposed immediately where the provisions of the Regulation are infringed,

HAS ADOPTED THIS REGULATION:

Article 1

1. It shall be prohibited, knowingly and intentionally, to:
 - (a) sell, supply, export or ship, directly or indirectly, equipment listed in Annex I, parts A and B, whether or not originating in *the Community (construed as including the Isle of Man)*, to any person or body in the Republic of Indonesia or to any person or body for the purpose of any business carried on in; or operated from, the territory of the Republic of Indonesia:
 - (b) participate in related activities the object or effect of which is, directly or indirectly, to promote the transactions or activities referred to in subparagraph (a).
2. The *competent authorities of the Member States (construed as including the Isle of Man)*, listed in Annex II, may authorise the transactions or activities referred to in paragraph 1, in respect of the items listed in part B of Annex I, when they have obtained conclusive evidence that the end-use of these items is not for internal repression or terrorism:

Article 2

The Council shall adopt by qualified majority amendments to the list set out in Annex 1 on the basis of a proposal from the Commission.

The Annex shall not include items specially designed or modified for military use already subject to the arms embargo established on the basis of Article 1 of Common Position 1999/624/CFSP.

Article 3

Each *Member State (construed as including the Isle of Man)* shall determine the sanctions to be imposed where the provisions of this Regulation are infringed.

Pending the adoption, where necessary, of any legislation to this end, the sanctions to be imposed where the provisions of this Regulation are infringed shall be those determined by the Member States in accordance with Article 4 of Council Regulation (EC) No 926/98 of 27 April 1998 concerning the reduction of certain economic relations with the Federal Republic of Yugoslavia.

Article 4

[omitted]

Article 5

This Regulation shall apply:

- within the *territory of the Community (construed as including the Isle of Man)* including its air space,
- on board any aircraft or any vessel under the jurisdiction of a *Member State (construed as including the Isle of Man)*,
- to any person elsewhere who is a national of a *Member State (including the Isle of Man)*, and
- to any body which is incorporated or constituted under the law of a *Member State (construed as including the Isle of Man)*.

Article 6

[omitted]

This Regulation shall be binding in its entirety and directly applicable in all *Member States (construed as including the Isle of Man)*.

Done at Luxembourg, 11 October 1999.

For the Council
The President
T. HALONEN

ANNEX I

EQUIPMENT FOR INTERNAL REPRESSION OR TERRORISM, ENVISAGED BY ARTICLE 1

(The following list does not include items which have been specially designed or modified for military use and are covered by the arms embargo established on the basis of Common Position 1999/624/CFSP)

PART A

Helmets providing ballistic protection, anti-riot helmets, anti-riot shields and ballistic shields and specially designed components therefor.

Specially designed fingerprint equipment.

Power controlled searchlights.

Construction equipment provided with ballistic protection.

Hunting knives.

Specially designed production equipment to make shotguns.

Ammunition hand-loading equipment.

Communications intercept devices.

Solid-state optical detectors.

Image-intensifier tubes.

Telescopic weapon sights.

Smooth bore weapons and related ammunition, other than those specially designed for military use, and specially designed components therefor;

except:

1. signal pistols;

2. air or cartridge powered guns designed as industrial tools or humane animal stunners.

Simulators for training in the use of firearms and specially designed or modified components and accessories therefor.

Bombs and grenades, other than those specially designed for military use, and specially designed components therefor.

Body armour, other than those manufactured to military standards or specifications, and specially designed components therefor.

All-wheel-drive utility vehicles capable of off road use that have been manufactured or fitted with ballistic protection, and profiled armour for such vehicles.

Water cannon and specially designed for modified components therefor.

Vehicles equipped with water cannon.

Vehicles specially designed or modified to be electrified to repel boarders and components therefor specially designed or modified for that purpose.

Acoustic devices represented by the manufacturer or supplier as suitable for riot-control purposes, and specially designed components therefor.

Leg-irons, gangchains, shackles and electric-shock belts, specially designed for restraining human beings:

except:

handcuffs for which the maximum overall dimension including chain does not exceed 240 mm when locked.

Portable devices designed or modified for the purpose of riot control or self-protection by the administration of an incapacitating substance (such as tear gas or pepper sprays). and specially designed components therefor.

Portable devices designed or modified for the purpose of riot control or self-protection by the administration of an electric shock (including electric-shock batons, electric shock shields, stun guns and electric shock dart guns (tasers)) and components therefor specially designed or modified for that purpose.

Electronic equipment capable of detecting concealed explosives and specially designed components therefor;

except:

TV or X-rayons inspection equipment.

Electronic jamming equipment specially designed to prevent the detonation by radio remote control of improvised devices and specially designed components therefor.

Equipment and devices specially designed to initiate explosions by electrical or non-electrical means, including firing sets, detonators, igniters, boosters and detonating cord, and specially designed components therefor;

except:

those specially designed for a specific commercial use consisting of the actuation or operation by explosive means of other equipment or devices the function of which is not the creation of explosions (e.g., car air bag inflaters, electric-surge arresters of fire sprinkler actuators).

Equipment and devices designed for explosive ordnance disposal;

except:

1. bomb blankets;
2. containers designed for holding objects known to be, or suspected of being improvised explosive devices.

Night vision and thermal imaging equipment and image intensifier tubes or solid state sensors therefor.

Software specially designed and technology required for all listed items.

PART B

Linear cutting explosive charges.

Explosives and related substances as follows:

- amatol,
- nitrocellulose (containing more than 12.5% nitrogen),
- nitroglycol,
- pentaerythritol tetranitrate (PETN),
- picryl chloride,
- trinitrophenylmethylnitramine (tetryl),
- 2, 4, 6-trinitrotoluene (TNT).

Software specially designed and technology required for all listed items.

ANNEX II

LIST OF AUTHORITIES REFERRED TO IN ARTICLE 1(2)

BELGIUM

Ministerie van Buitenlandse Zaken, Buitenlandse Handel en Ontwikkelingssamenwerking
Directie-generaal van de Buitenlandse Economische en Bilaterale Betrekkingen
Dienst Centraal en Oost-Europa (B 13)
De heer Filip David
Karmelietenstraat 15
B-1000 Brussel

Ministère des affaires étrangères, du commerce extérieur et de la coopération au développement
Direction générale des relations économiques et bilatérales extérieures
Service Europe centrale et orientale (B 13)
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GREECE

Ministry of National Economy
General Secretariat of International Economic Relations
Directorate of External Trade
Mrs. Bartzi or Mr. Iglesias
1, Kornarou Street
GR-10563 Athens
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Mr. George Christofis,
Minister Plenipotentiary
Sanctions Bureau
1, Vasilissis Sofias, 7th floor
GR-106 71 Athens)
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SPAIN

Ministerio de Economía y Hacienda
Secretaría General de Comercio Exterior
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FRANCE

Ministère de l'économie, des finances et de l'industrie
Direction générale des douanes et des droits indirects
Bureau E/2 — Cellule Embargo
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NETHERLANDS

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Directoraat-generaal van de Buitenlandse Economische Betrekkingen
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Afdeling Exportcontrole en Sanctiebeleid (BEB/DHI/ES)
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AUSTRIA

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PORTUGAL

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SWEDEN

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