



EUROPEAN COMMUNITIES (ISLE OF MAN) ACT 1973

EUROPEAN COMMUNITIES (ZIMBABWE SANCTIONS) (APPLICATION) ORDER 2002

*Approved by Tynwald 20th March 2002
Coming into operation in accordance with Article 1*

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

Citation and commencement

1. This Order may be cited as the European Communities (Zimbabwe Sanctions) (Application) Order 2002, and shall come into operation on the day on which it is made.

Application of Community instruments

2. (1) Subject to paragraph (2) and to the modifications set out in the Schedule, Council Regulation (EC) No. 310/2002 of 18 February 2002 concerning certain restrictive measures in respect of Zimbabwe, 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 that apply as part of the law of the Island under section 2(1) of the European Communities (Isle of Man) Act 1973.

Price band: A Price £1.00

^(a) 1973 c.14

SCHEDULE

LIST OF MODIFICATIONS TO THE APPLIED INSTRUMENT

Council Regulation (EC) No. 310/2002 of 18 February 2002 concerning certain restrictive measures in respect of Zimbabwe

1. Throughout the instrument, references to "Member State", Member States" and "the Community" shall be construed as including the Isle of Man. Any reference to a competent authority shall be construed as including the Isle of Man Treasury.
2. Omit Article 3 (3).
3. In Article 5 (1) omit "...after consultation with the other Member States, the Council and the Commission in accordance with paragraph 2".
4. Omit Article 5(2).
5. For Article 8 substitute:-
"References to Annex I or Annex III in this Regulation are references to those Annexes as amended from time to time by the Commission."
6. In Article 10, for the words:-
"The Commission and the Member States shall immediately inform each other of the measures taken under this Regulation and shall supply each other...",
substitute:-
"The Isle of Man Treasury shall immediately inform the Commission of the measures taken under this Regulation and shall supply the Commission...".
7. Omit Article 13.
8. In Annex III, add: "ISLE OF MAN
Treasury
Government Office
Douglas
IM1 3PU".

Made this 28th day of February 2002.


Chief Secretary

EXPLANATORY NOTE
(This is not part of the Order)

This Order applies the provisions of European Community Council Regulation No 310/2002 to the Isle of Man as part of the law of the Island. This Regulation provides for specific restrictive measures with respect to Zimbabwe, in particular a freezing of funds of certain individuals, a ban on exports of repression equipment and ban on assistance related to military activities. A copy of Regulation 310/2002 as modified is included in an Annex, but the Annex does not form part of the Order.

ANNEX

COUNCIL REGULATION (EC) No 310/2002 of 18 February 2002 concerning certain restrictive measures in respect of Zimbabwe

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Articles 60 and 301 thereof,

Having regard to Council Common Position 2002/145/CFSP of 18 February 2002 concerning restrictive measures against Zimbabwe (1),

Having regard to the proposal from the Commission,

Whereas:

(1) The Council has expressed serious concern about the situation in Zimbabwe, in particular the recent escalation of violence and intimidation of political opponents and the harassment of the independent press. It has noted that the Government of Zimbabwe has not taken effective measures to improve the situation as called for by the European Council in Laeken last December.

(2) The Council has assessed that the Government of Zimbabwe continues to engage in serious violations of human rights and of the freedom of opinion, of association and of peaceful assembly. Therefore, for as long as the violations occur, the Council deems it necessary to introduce restrictive measures against the government of Zimbabwe and those who bear a wide responsibility for such violations.

(3) Therefore, Common Position 2002/145/CFSP provides that certain restrictive measures will be taken in respect of Zimbabwe, in particular the freezing of funds, financial assets or economic resources of individual members of the Government and natural or legal persons associated with them as well as a ban on exports on repression equipment and a ban on technical advice, assistance or training related to military activities.

(4) These measures fall under the scope of the Treaty and, therefore, notably with a view to avoiding distortion of competition, Community legislation is necessary to implement the said measures as far as the territory of the Community is concerned. For the purpose of this Regulation, the territory of the Community is deemed to encompass the territories of the Member States to which the Treaty is applicable, under the conditions laid down in that Treaty,

HAS ADOPTED THIS REGULATION:

Article 1

For the purpose of this Regulation:

1. 'Funds, other financial assets or economic resources' means assets of every kind, whether tangible or intangible, movable or immovable, however acquired, and legal documents or instruments in any form, including electronic or digital, evidencing title to, or interest in, such assets, including, but not limited to, bank credits, travellers' cheques, bank cheques, money orders, shares, securities, bonds, drafts and letters of credit;

2. 'freezing of funds, other financial assets or economic resources' means: preventing any move, transfer, alteration, use of or dealing with funds in any way that would result in any change in their volume, amount, location, ownership, possession, character, destination or other change that would enable the use of the funds, including portfolio management.

Article 2

1. All funds, other financial assets or economic resources belonging to individual members of the Government of Zimbabwe and to any natural or legal persons, entities or bodies associated with them as listed in Annex I, shall be frozen.

2. No funds, financial assets or economic resources shall be made available directly or indirectly to or for the benefit of natural or legal persons, entities or bodies listed in Annex I.

Article 3

1. Without prejudice to the applicable rules concerning reporting, confidentiality and professional secrecy and to the provisions of Article 284 of the Treaty, natural and legal persons, entities and bodies shall:

(a) provide immediately any information which would facilitate compliance with this Regulation, such as accounts and amounts frozen in accordance with Article 2 to the competent authorities (**construed as including the Isle of Man Treasury**) of the Member States (**construed as including the Isle of Man**) listed in Annex III where they are resident or located, and to the Commission.

In particular, available information in respect of funds, financial assets or economic resources owned or controlled by persons listed in Annex I during the period of six months before the entry into force of this Regulation shall be provided;

(b) cooperate with the competent authorities (**construed as including the Isle of Man Treasury**) listed in Annex III in any verification of this information.

2. Any information provided or received in accordance with this Article shall be used only for the purposes for which it was provided or received.

Article 3(3) omitted.

Article 4

Article 2 shall not apply to:

(a) the crediting of frozen accounts on the condition that any additions shall be frozen;

(b) the use of frozen funds for:

—essential human needs of a natural person included in Annex I such as payments for foodstuffs, medicines, the rent or mortgage for the family residence and fees and charges concerning medical treatment of members of that family, to be fulfilled within the Community (**construed as including the Isle of Man**);

—payment of taxes, compulsory insurance premiums and fees for public utility services such as gas, water, electricity and telecommunications to be paid in the Community (**construed as including the Isle of Man**);

—payment of charges due to a financial institution in the Community (**construed as including the Isle of Man**) for the maintenance of accounts.

The Commission shall be informed of any payment made under this Article and of conclusive evidence of the fulfilment of the conditions and the purposes. Such evidence shall be kept available for at least five years for inspection by competent authorities (**construed as including the Isle of Man Treasury**).

Article 5

1. Notwithstanding the provisions of Article 2 and with a view to the protection of the interests of the Community (**construed as including the Isle of Man**), which include the interests of its citizens and residents, the competent authorities (**construed as including the Isle of Man Treasury**) of a Member State (**construed as including the Isle of Man**) may grant specific authorisations:

—to unfreeze funds, other financial assets or other economic resources,

—to make funds, other financial assets or other economic resources available to a person, entity or body included in the list referred to in Article 2(2),

final paragraph omitted

Article 5 (2) omitted

Article 6

Without prejudice to the powers of the Member States (**construed as including the Isle of Man**) in the exercise of their public authority, the provision to Zimbabwe of technical training or assistance related to the provision, manufacture, maintenance or use of arms and related material of all types, including weapons and ammunition, military vehicles and equipment, paramilitary equipment, and spare parts for the aforementioned shall be prohibited.

Article 7

1. It shall be prohibited, knowingly and intentionally, to sell, supply, export or ship, directly or indirectly, equipment which might be used for internal repression as listed in Annex II to any natural or legal person, entity or body in Zimbabwe or for the purpose of any business carried on in or operated from the territory of Zimbabwe.

2. Paragraph 1 shall not apply to supplies of non-lethal military equipment intended solely for humanitarian or protective use, and related technical assistance or training, nor shall they apply to protective clothing, including flak jackets and military helmets, temporarily exported to Zimbabwe by United Nations personnel, representatives of the media and humanitarian and development workers and associated personnel for their personal use only.

For Article 8 substitute:

References to Annex I or Annex III in this Regulation are references to those Annexes as amended from time to time by the Commission.

Article 9

The participation, knowingly and intentionally, in related activities the object or effect of which is, directly or indirectly to promote the transactions or activities referred to in Articles 2, 6 and 7 or to circumvent the provisions of this Regulation shall be prohibited.

Article 10

For, “The Commission and the Member States shall immediately inform each other of the measures taken under this Regulation and shall supply each other...”, substitute:-

The Isle of Man Treasury shall immediately inform the Commission of the measures taken under this Regulation and shall supply the Commission with relevant information at their disposal in connection with this Regulation, in particular information in respect of violation and enforcement problems and judgements handed down by national courts.

Article 11

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. Such sanctions shall be effective, proportionate and dissuasive.

Article 12

This Regulation shall apply:

—within the territory of the Community (**construed as including the Isle of Man**), including its airspace,

—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 (**construed as including the Isle of Man**), and

—to any legal person, entity or body which is incorporated or constituted under the law of a Member State (**construed as including the Isle of Man**).

Article 13 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 Brussels, 18 February 2002.

For the Council

The President

J.PIQUÉ I CAMPS

ANNEX I

List of persons, entities and bodies referred to in Article 2

1.MUGABE Robert Gabriel	President, born 21.2.1924,Kutama
2.UTETE Charles	Cabinet Secretary, born 30.10.1938
3.MNANGAGWA Emmerson	Parliamentary Speaker, born 15.9.1946
4.NKOMO John	Home Affairs Minister, born 22.8.1934
5.GOCHE Nicholas	Security Minister, born 1.8.1946
6.MANYIKA Elliot	Youth Minister, born 30.7.1955
7.MOYO Jonathan	Information Minister, born 12.1.1957
8.CHARAMBA George	Information Minister's Permanent Secretary and Spokesman
9.CHINAMASA Patrick	Justice Minister, born 25.1.1947
10.MADE Joseph	Agricultural Minister, born 21.11.1954
11.CHOMBO Ignatius	Local Govt Minister, born 1.8.1952
12.MUDENGE Stan Foreign	Minister, born 17.12.1941,Zimutu Reserve
13.CHIWEWE Willard	Ministry of Foreign Affairs Senior Secretary, born 19.3.1949
14.ZVINAVASHE Vitalis	General (CDS),born 1943
15.CHIWENGA Constantine	Lt Gen (Army),born 25.8.1956
16.SHIRI Perence	Air Marshal (Air Force),born 1.11.1955
17.CHIHURI Augustine	Commissioner (Police),born 10.3.1953
18.MUZONZINI Elisha	Brig.(Intelligence),born 24.6.1957
19.ZIMONTE Paradzai	Prisons chief
20.SEKERAMAYI Sidney	Defence Minister, born 30.3.1944

ANNEX II

Equipment for internal repression envisaged by Article 7

The list below does not comprise the articles that have been specially designed or modified for military use and that are covered by the arms embargo confirmed by Common Position 2002/145/CFSP.

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- and 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 or modified components therefor.

Vehicles equipped with a water cannon.

Vehicles specially designed or modified to be electrified to repel borders 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, gang-chains, 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-ray 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 inflators, electric-surge arresters of fire sprinkler actuators).

Equipment and devices designed for explosive ordnance disposal; except:

1. bomb blankets;

2. containers designed for folding 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.

Linear cutting explosive charges.

Explosives and related substances as follows:

- amatol,
- nitrocellulose (containing more than 12,5 %nitrogen),
- nitroglycol,
- pentaerythritol tetranitrate (PETN),
- picryl chloride,
- tinitorphenylmethylnitramine (tetryl),
- 2,4,6-trinitrotoluene (TNT)

Software specially designed and technology required for all listed items.

ANNEX III

List of competent authorities referred to in Article 3(1) and Article 5

BELGIUM

Ministère des finances
Trésorerie
avenue des Arts 30
B-1040 Bruxelles
Fax (32-2)233 75 18

DENMARK

Erhvervs-og Boligstyrelsen
Dahlerups Pakhus
Langelinie Alle 17
DK-2100 København Ø
Tel.(45)35 46 60 00
Fax (45)35 46 60 01

GERMANY

Deutsche Bundesbank
Postfach 100602
D-60006 Frankfurt/Main
Tel.(00-49-69)95 66-01
Fax (00-49-69)560 10 71

GREECE

—For Capitals
Ministry of National Economy
General Directorate of Economic Policy
5-7 Nikis str.
GR-101 80 Athens
Tel.(00-30-10)333 27 81-2
Fax (00-30-10)333 28 10,333 27 93

—For Trade sector

Ministry of National Economy
General Directorate for Policy Planning and
Implementation
1, Kornarou str.
GR-105 63 Athens
Tel.(00-30-10)333 27 81-2
Fax (00-30-10)333 28 10,333 27 93

SPAIN

Dirección General de Comercio e Inversiones
Subdirección General de Inversiones Exteriores
Ministerio de Economía
Paseo de la Castellana, 162
E-28046 Madrid
Tel.(00-34)91 349 39 83
Fax (00-34)91 349 35 62

Dirección General del Tesoro y Política Financiera
Subdirección General de Inspección y Control de
Movimientos de Capitales
Ministerio de Economía
Paseo del Prado, 6
E-28014 Madrid
Tel.(00-34)91 209 95 11
Fax (00-34)91 209 96 56

FRANCE

Ministère de l'économie, des finances et de l'industrie
Direction du Trésor
Service des affaires européennes et internationales
Sous-direction E
139, rue du Bercy
F-75572 Paris Cedex 12
Tel.(33-1)44 87 17 17
Fax (33-1)53 18 36 15

IRELAND

Central Bank of Ireland
Financial Markets Department
PO Box 559
Dame Street
Dublin 2
Tel.(353-1)671 66 66

Department of Foreign Affairs
Bilateral Economic Relations Division
76-78 Harcourt Street
Dublin 2
Tel.(353-1)408 24 92

ITALY

—Competent Authorities for exceptions on assets
freeze
Ministero dell'Economia e delle Finanze
Comitato di sicurezza finanziaria
Via XX Settembre 97
I-00187 Roma
csf@tesoro.it
Tel.+39 06 4 761 39 21
Fax +39 06 4 761 39 32

—Competent Authorities for exceptions on visa ban
Ministero degli Affari Esteri
Piazzale della Farnesina, 1
I-00100 Roma
Direzione Generale per gli Italiani all'estero e le
Politiche Migratorie
Uff. VI (cons. Amb. Carlo Colombo)
Tel. 00 39 06 3691 35 00
Fax 00 39 06 3691 85 42-2261

LUXEMBOURG

Ministère des affaires étrangères, du commerce
extérieur, de la coopération, de l'action humanitaire et
de la défense

Direction des relations économiques internationales
BP 1602

L-1016 Luxembourg

Tel.(352)478-1 or 478-2350

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Ministère des Finances
3, rue de la Congrégation

L-1352 Luxembourg

Tel.(352)478-2712

Fax (352)47 52 41

NETHERLANDS

Ministerie van Financiën

Directie Wetgeving, Juridische en Bestuurlijke Zaken

Postbus 20201

2500 EE Den Haag

Nederland

Tel.(31-70)342 82 27

Fax (31-70)342 79 05

AUSTRIA

Oesterreichische Nationalbank

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Tel.(431)404 20-0

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PORTUGAL

Ministério das Finanças

Direcção Geral dos Assuntos Europeus e Relações
Internacionais

Avenida Infante D. Henrique, n.o 1, C2.o

P-1100 Lisboa

Tel.(351-1)882 32 40/47

Fax (351-1)882 32 49

Ministério dos Negócios Estrangeiros

Direcção Geral dos Assuntos Multilaterais/Direcção
dos Serviços das Organizações Políticas Internacionais

Largo do Rilvas

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Fax (351 21)394 60 73

FINLAND

Ulkoasiainministeriö/Utrikesministeriet

PL 176

SF-00161 Helsinki

Tel.(358-9)13 41 51

Fax (358-9)13 41 57 07 and (358-9)62 98 40

SWEDEN

—Articles 3 and 5

Finansinspektionen

Box 7831

S-103 98 Stockholm

Tel.08-787 80 00

Fax 08-24 13 35

—Article 4

Riksförsäkringsverket (RFV)

S-103 51 Stockholm

Tel.08-786 90 00

Fax 08-411 27 89

UNITED KINGDOM

HM Treasury

International Financial Services Team

19 Allington Towers

London SW1E 5EB

United Kingdom

Tel.(44-207)270 55 50

Fax (44-207)270 43 65

Bank of England

Financial Sanctions Unit

Threadneedle Street

London EC2R 8AH

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Tel.(44-207)601 46 07

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EUROPEAN COMMUNITY

Commission of the European Communities

Directorate-General for External Relations

Directorate CFSP

Unit A.2/Mr A.de Vries

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B-1049 Bruxelles/Brussel

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ISLE OF MAN

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