

Statutory Document No. 2015/0126



European Communities (Isle of Man) Act 1973

EUROPEAN UNION (LIBYA SANCTIONS) (APPLICATION) (AMENDMENT) ORDER 2015

*Approved by Tynwald: 21 April 2015
Coming into Operation in accordance with article 2*

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

1 Title

This Order is the European Union (Libya Sanctions) (Application) (Amendment) Order 2015.

2 Commencement

This Order comes into operation immediately after it is made.

3 Application of EU Instrument

Subject to the modifications set out in the Schedule, Council Regulation (EU) No 2015/374¹ of 6 March 2015 amending Regulation (EU) No 204/2011² concerning restrictive measures in view of the situation in Libya applies as part of the law of the Island.

¹ OJ L 64, 7.3.2015, p. 8.

² OJ L 58, 3.3.2011, p. 1. Council Regulation (EU) No 204/11 was applied to the Island with modifications by SD 157/11. Previous amendments to that Regulation were applied to the Island by SD 229/11, 279/11, 488/11, 0593/11, 0785/11, 0828/11, 0859/11, 0903/11, 1074/11, 0043/12, 0253/13, 2014/0097, 2014/0259 and 2014/0380. As it has effect in the Island, a reference to any Annex to the Regulation is construed to be a reference to that Annex as amended from time to time.

MADE 24TH MARCH 2015 10:13

SIGNED BY THE AUTHORITY OF THE CHIEF SECRETARY

D DAVIES
Director of Change & Reform

SCHEDULE

[Article 3]

LIST OF MODIFICATIONS TO THE APPLIED EU INSTRUMENT

COUNCIL REGULATION (EU) No 2015/374 of 6 March 2015 amending Regulation (EU) No 204/2011 concerning restrictive measures in view of the situation in Libya.

- (1) Except where otherwise provided below, references in this Regulation to “Member State”, “Member States” and “the Union” shall be read as if the Island were itself a Member State, its territory were included within the Union territory and for the purposes of European Union law were a separate country from the United Kingdom.
- (2) In the preamble the reference to “the Union” in “High Representative of the Union for Foreign Affairs and Security Policy” does not include the Island.
- (3) Omit article 2.
- (4) 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) No 2015/374, as amended by the Schedule to the Order, as part of the law of the Island. This EU Regulation amends Council Regulation (EU) No 204/2011 concerning restrictive measures in view of the situation in Libya which was applied to the Island with certain modifications by SD No. SD 157/11. Previous amending EU Regulations have also been applied to the Island.

A copy of Council Regulation (EU) No 2015/374, as amended, is attached as an Annex but the Annex does not form part of the Order.

Annex

COUNCIL REGULATION (EU) 2015/374
of 6 March 2015
amending Regulation (EU) No 204/2011
concerning restrictive measures in view of the situation in Libya

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 2011/137/CFSP of 28 February 2011 concerning restrictive measures in view of the situation in Libya¹,

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

Whereas:

- (1) Council Regulation (EU) No 204/2011² gives effect to certain measures provided for in Decision 2011/137/CFSP.
- (2) On 27 August 2014, the United Nations Security Council adopted Resolution ('UNSCR') 2174 (2014) extending the scope of the asset freeze measures as set out in paragraph 22 of UNSCR 1970 (2011) and paragraph 23 of UNSCR 1973 (2011).
- (3) On 20 October 2014, the Council adopted Decision 2014/727/CFSP³ in accordance with UNSCR 2174 (2014) allowing for the listing of persons and entities within the scope of Annex III to Decision 2011/137/CFSP, as listed by the Sanctions Committee. In its Decision (CFSP) 2015/382⁴ the Council decided to extend the scope of the additional criteria to persons and entities not listed by the Sanctions Committee but which fulfil the same criteria.
- (4) This amendment falls within the scope of the Treaty and regulatory action at the level of the Union is necessary in order to implement it, in particular with a view to ensuring its uniform application by economic operators in all Member States.
- (5) Regulation (EU) No 204/2011 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Article 6(2) of Regulation (EU) No 204/2011 is replaced by the following:

- ‘2. Annex III shall consist of natural or legal persons, entities and bodies, not covered by Annex II:
- (a) that are involved in or complicit in ordering, controlling, or otherwise directing the commission of human rights abuses against persons in Libya, including by being involved in or complicit in planning, commanding, ordering or conducting attacks, in violation of international law, including aerial bombardments, on civilian populations and facilities;
 - (b) that have violated or have assisted in violating the provisions of UNSCR 1970 (2011) or UNSCR 1973 (2011) or of this Regulation;
 - (c) that are engaged in or provide support for acts that threaten the peace, stability or security of Libya, or obstruct or undermine the successful completion of Libya's political transition, including by:

¹ OJ L 58, 3.3.2011, p. 53.

² Council Regulation (EU) No 204/2011 of 2 March 2011 concerning restrictive measures in view of the situation in Libya (OJ L 58, 3.3.2011, p. 1).

³ Council Decision 2014/727/CFSP of 20 October 2014 amending Decision 2011/137/CFSP concerning restrictive measures in view of the situation in Libya (OJ L 301, 21.10.2014, p. 30).

⁴ Council Decision (CFSP) 2015/382 of 6 March 2015 amending Decision 2011/137/CFSP concerning restrictive measures in view of the situation in Libya (see page 38 of this Official Journal).

- (i) planning, directing, or committing acts that violate applicable international human rights law or international humanitarian law, or acts that constitute human rights abuses, in Libya;
- (ii) planning, directing or committing attacks against any air, land or sea port in Libya, or against a Libyan State institution or installation, or against any foreign mission in Libya;
- (iii) providing support for armed groups or criminal networks through the illicit exploitation of crude oil or any other natural resources in Libya; or
- (d) acting for, or on behalf of, or at the direction of natural or legal persons, entities or bodies as listed in Annex II or III, or natural or legal persons, entities or bodies owned or controlled by them. '.

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, 6 March 2015.

For the Council
The President
K. GERHARDS
