

Statutory Document No. 2018/0016



European Communities (Isle of Man) Act 1973

EUROPEAN UNION (SOMALIA SANCTIONS) (APPLICATION) (AMENDMENT) ORDER 2018

Approved by Tynwald: 20th February 2018

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 (Somalia Sanctions) (Application) (Amendment) Order 2018.

2 Commencement

This Order comes into operation immediately after it is made.

3 Application of EU instruments

- (1) Council Regulation (EU) 2017/2415¹ of 21 December 2017 amending Regulation (EU) 356/2010² imposing certain specific restrictive measures directed against certain natural or legal persons, entities or bodies, in view of the situation in Somalia (“**Regulation (EU) 2017/2415**”) applies as part of the law of the Island, subject to paragraph (2) and the modifications set out in the Schedule to this Order.
- (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.

¹ OJ L343, 22.12.2017, p.33.

² Council Regulation (EU) 356/2010 of 26 April 2010 imposing certain specific restrictive measures directed against certain natural or legal persons, entities or bodies, in view of the situation in Somalia. Council Regulation (EU) 356/2010 was applied to the Island with modifications by SD 562/10. Previous amendments to Council Regulation (EU) 356/2010 by Council Regulations (EU) 956/2011, 641/2012 and 432/2013 were applied in the Island with modifications by SD 905/11, SD 644/12 and SD 255/13 respectively.

MADE 16:45 11TH JANUARY 2018

W GREENHOW
Chief Secretary

SCHEDULE

[Article 3]

MODIFICATIONS TO THE APPLIED EU INSTRUMENT

1 General

- (1) In this Schedule a reference to a numbered Article or Annex (without more) is a reference to that Article or Annex so numbered of Regulation (EU) 2017/2415.
- (2) References in Regulation (EU) 2017/2415 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 territory of the Union and for the purposes of European Union law were a separate country from the United Kingdom.

2 Specific modifications

- (1) Omit Article 2.
- (2) 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) 2017/2415 of 21 December 2017, amending Regulation (EU) 356/2010 imposing certain specific restrictive measures directed against certain natural or legal persons, entities or bodies, in view of the situation in Somalia, as part of the law of the Island, subject to certain modifications.

Council Regulation (EU) 2017/2415 amends Article 4(1) of Regulation (EU) 356/2010 which provides an exemption from the asset freeze and from the prohibition on making funds available in relation to the timely delivery of urgently needed humanitarian assistance in Somalia. The amendment makes reference to the “United Nations Humanitarian Response Plan for Somalia”, rather than the “UN Consolidated Appeal for Somalia”.

A copy of Council Regulation (EU) 2017/2415 as modified is attached as an Annex, but the Annex does not form part of the Order.

Annex
REGULATIONS

COUNCIL REGULATION (EU) 2017/2415

of 21 December 2017

amending Regulation (EU) No 356/2010 imposing certain specific restrictive measures directed against certain natural or legal persons, entities or bodies, in view of the situation in Somalia

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 (CFSP) 2017/2427 of 21 December 2017 amending Decision 2010/231/CFSP concerning restrictive measures against Somalia³,

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

Whereas:

- (1) On 26 April 2010, the Council adopted Regulation (EU) No 356/2010⁴, which imposes certain specific restrictive measures directed against the natural and legal persons, entities and bodies identified in Annex I to that Regulation, as provided for in United Nations Security Council Resolution (UNSCR) 1844 (2008), as subsequently amended.
- (2) On 14 November 2017, the United Nations Security Council adopted UNSCR 2385(2017). With regard to the exemption from the assets freeze and from the prohibition on making funds available in relation to the timely delivery of urgently needed humanitarian assistance in Somalia, UNSCR 2385(2017) maintained the reference to non-governmental organisations 'participating in the United Nations Humanitarian Response Plan for Somalia', which was introduced by UNSCR 2244 (2015), instead of the reference to non-governmental organisations 'participating in the UN Consolidated Appeal for Somalia'.
- (3) On 21 December 2017, the Council adopted Decision (CFSP) 2017/2427 in order to reflect the abovementioned change.
- (4) This amendment falls within the scope of the Treaty and, therefore, notably with a view to ensuring its uniform application in all Member States, regulatory action at the level of the Union is necessary.

³ See page 78 of Official Journal L343 of 22.12.2017.

⁴ Council Regulation (EU) No 356/2010 of 26 April 2010 imposing certain specific restrictive measures directed against certain natural or legal persons, entities or bodies, in view of the situation in Somalia (OJ L105, 27.4.2010, p.1).

(5) Regulation (EU) No 356/2010 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Article 4(1) of Regulation (EU) No 356/2010 is replaced by the following:

1. Article 2(1) and (2) shall not apply to the making available of funds or economic resources necessary to ensure the timely delivery of 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 NGOs participating in the United Nations Humanitarian Response Plan for Somalia.

~~*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, 21 December 2017.

For the Council
The President
M. MAASIKAS
