

Statutory Document No. 2018/0101



European Communities (Isle of Man) Act 1973

EUROPEAN UNION (BELARUS SANCTIONS) (AMENDMENT) ORDER 2018

Approved by Tynwald: 17 April 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 (Belarus Sanctions) (Amendment) Order 2018.

2 Commencement

This Order comes into operation immediately after it is made.

3 Application of EU instruments

Council Regulation (EU) 2018/275¹ of 23 February 2018 amending Regulation (EC) 765/2006² concerning restrictive measures in respect of Belarus (“Regulation (EC) 765/2006”) applies as part of the law of the Island, subject to the modifications set out in the Schedule to this Order.

¹ OJ L54, 24.02.2018, p.1.

² Council Regulation (EC) 765/2006 concerning restrictive measures in respect of Belarus. Council Regulation (EC) 765/2006 was applied to the Island with modifications by SD 0474/12. Previous amendments to Council Regulation (EC) 765/2006 by Council Regulation (EC) 646/2008 and 84/2011 were applied in the Island with modifications by SD 0474/12. Previous amendments to Council Regulation (EC) 765/2006 by Council Regulations (EU) 271/2011, 505/2011, 588/2011, 999/2011, 1000/2011, 1320/2011, 114/2012, 170/2012, 265/2012, 354/2012, 1014/2012, 2015/1948, 2016/277 and 2017/331 were applied in the Island with modifications by SD 0474/12, SD 0742/12, SD 2015/0374, SD 2016/0113 and SD 2017/0157 respectively.

MADE 16:00 16TH MARCH 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) 2018/275.
- (2) References in Regulation (EU) 2018/275 to “Member State” and “Member States” 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) In Article 1(1), for “the other Member States and the Commission” substitute “such other Member States or the Commission as it considers appropriate”.
- (2) In Article 1(2), for “the other Member States and the Commission” substitute “such other Member States or the Commission as it considers appropriate”.
- (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) 2018/275 of 23 February 2018, amending Regulation (EC) 765/2006 concerning restrictive measures in respect of Belarus (“Regulation (EC) 765/2006”), as part of the law of the Island, subject to certain modifications.

Council Regulation (EU) 2018/275 amends Articles 1a and 1b of Regulation (EC) 765/2006 to insert new paragraphs to allow, subject to authorisation by the Treasury –

- (a) the sale, supply, transfer or export of certain types of small-calibre sporting rifles, pistols and ammunition, exclusively for use in sports events or sports training; and
- (b) the provision of technical assistance or brokering services, financing or financial assistance related to such goods.

A new Annex V is added to Regulation (EC) 765/2006 which lists the types of rifles, pistols and ammunition referred to in Articles 1a and 1b.

A copy of Council Regulation (EU) 2018/275 as amended is attached as an Annex, but the Annex does not form part of the Order.

Annex
COUNCIL REGULATION (EU) 2018/275
of 23 February 2018

amending Regulation (EC) No 765/2006 concerning restrictive measures in respect of Belarus

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 2012/642/CFSP of 15 October 2012 concerning restrictive measures against Belarus³,

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

Whereas:

- (1) Council Regulation (EC) No 765/2006⁴ prohibits the export of equipment which might be used for internal repression to any person, entity or body or for use in Belarus, as well as related technical assistance, brokering services, financing or financial assistance.
- (2) Regulation (EC) No 765/2006 gives effect to the measures provided for in Decision 2012/642/CFSP.
- (3) Council Decision (CFSP) 2018/280⁵, which amends Decision 2012/642/CFSP, provides for derogations from the export ban on certain types of small-calibre sporting rifles, small-calibre sporting pistols and small-calibre ammunition, and from the ban on assistance or services related thereto, while recognising that the export of such equipment should be limited.
- (4) Regulation (EC) No 765/2006 should therefore be amended accordingly.
- (5) Nothing in this Regulation affects the licence requirements laid down in Regulation (EU) No 258/2012 of the European Parliament and of the Council⁶.
- (6) In order to ensure that the measures provided for in this Regulation are effective, this Regulation should enter into force immediately,

HAS ADOPTED THIS REGULATION:

Article 1

³ OJ L285, 17.10.2012, p.1.

⁴ Council Regulation (EC) No 765/2006 of 18 May 2006 concerning restrictive measures in respect of Belarus (OJ L134, 20.5.2006, p.1).

⁵ Council Decision (CFSP) 2018/280 of 23 February 2018 amending Decision 2012/642/CFSP concerning restrictive measures against Belarus (see page 16 of OJ L54, 24.2.2018).

⁶ Regulation (EU) No 258/2012 of the European Parliament and of the Council of 14 March 2012 implementing Article 10 of the United Nations' Protocol against the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, supplementing the United Nations Convention against Transnational Organised Crime (UN Firearm Protocol), and establishing export authorisation, and import and transit measures for firearms, their parts and components and ammunition (OJ L94, 30.3.2012, p.1).

Regulation (EC) No 765/2006 is amended as follows:

1. In Article 1a, the following paragraphs are added:
 - '5. By way of derogation from paragraph 1, the competent authorities in the Member States as listed in Annex II may authorise the sale, supply, transfer or export of sporting rifles, sporting pistols and their ammunition, as listed in Annex V, which also comply with the specifications defined in the equipment control guide of International Shooting Sport Federation, under such conditions as those authorities deem appropriate, if they determine that such equipment is intended exclusively for use in sports events and sports training recognised by the International Shooting Sport Federation.
 6. The Member State concerned shall notify ~~the other Member States and the Commission~~ **such other Member States or the Commission as it considers appropriate** of its intention to grant an authorisation pursuant to paragraph 5 at least 10 days prior to the authorisation, including the type and quantity of the equipment concerned and the purpose for which it is intended.';
2. In Article 1b, the following paragraphs are added:
 - '5. By way of derogation from paragraph 1, the competent authorities in the Member States as listed in Annex II may authorise the provision, directly or indirectly, of technical assistance or brokering services, financing or financial assistance related to sporting rifles, sporting pistols and their ammunition, as listed in Annex V, which also comply with the specifications defined in the equipment control guide of International Shooting Sport Federation, under such conditions as those authorities deem appropriate, if they determine that such equipment is intended exclusively for use in sports events and sports training recognised by the International Shooting Sport Federation.
 6. The Member State concerned shall notify ~~the other Member States and the Commission~~ **such other Member States or the Commission as it considers appropriate** of its intention to grant an authorisation pursuant to paragraph 5 at least 10 days prior to the authorisation, including on the nature of the assistance or services related thereto.';
3. The text set out in the Annex to this Regulation is added as Annex V.

Article 2

~~This Regulation shall enter into force on the date 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, 23 February 2018.

For the Council

The President

E. ZAHARIEVA

ANNEX

ANNEX V

Sporting rifles, sporting pistols and ammunition as referred to in paragraph 5 of Article 1a and in paragraph 5 of Article 1b, intended exclusively for use in sports events and sports training, as follows:

ex 9303 30	Sporting rifles of calibre .22 inches
ex 9302	Sporting pistols of calibre .22 inches
ex 9306 30 10	Ammunition for sporting pistols of calibre .22 inches
ex 9306 30 90	Ammunition for sporting rifles of calibre .22 inches.

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