

Statutory Document No. 2018/0116



European Communities (Isle of Man) Act 1973

EUROPEAN UNION (CENTRAL AFRICAN REPUBLIC SANCTIONS) (AMENDMENT) ORDER 2018¹

Approved by Tynwald: 16 May 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 (Central African Republic Sanctions) (Amendment) Order 2018.

2 Commencement

This Order comes into operation immediately after it is made¹.

3 Application of EU instrument

Council Regulation (EU) 2018/387² of 12 March 2018 amending Regulation (EU) No 224/2014³ concerning restrictive measures in view of the situation in the Central African Republic applies as part of the law of the Island, subject to the modifications set out in the Schedule to this Order.

MADE 08:00 24 APRIL 2018

¹ An order made under section 2A of the European Communities (Isle of Man) Act 1973 must be laid before Tynwald as soon as is practicable after it is made, and if Tynwald at the sitting at which the order is laid or at the next following sitting fails to approve it, the order shall cease to have effect

² OJ L69, 13.3.2018, p.9.

³ OJ L70, 11.3.2014, p.1. Regulation (EU) No 224/2014 was applied to the Island with certain modifications by SD No. 2014/0116. Previous amendments were applied to the Island by SD 2015/0201, SD 2016/0153 and SD 2017/0159. As it has effect in the Island, any reference in Regulation (EU) No 224/2014 to an Annex to that Regulation is to be construed as a reference to the Annex as amended from time to time.

SCHEDULE

[Article 3]

MODIFICATIONS TO THE APPLIED EU INSTRUMENT

COUNCIL REGULATION (EU) 2018/387 of 12 March 2018 amending Regulation (EU) No 224/2014 concerning restrictive measures in view of the situation in the Central African Republic

- (1) Except where otherwise provided below, references in the Regulation to “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) The reference to the Union does not include the Island in the term “High Representative of the Union for Foreign Affairs and Security Policy”.
- (3) Omit Article 2.
- (4) After Article 2, omit the statement of application and effect.

Annex

COUNCIL REGULATION (EU) 2018/387 of 12 March 2018

amending Regulation (EU) No 224/2014 concerning restrictive measures in view of the situation in the Central African Republic

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 2013/798/CFSP of 23 December 2013 concerning restrictive measures against the Central African Republic⁴,

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

Whereas:

- (1) Council Regulation (EU) No 224/2014⁵ gives effect to certain measures provided for in Decision 2013/798/CFSP.
- (2) Decision 2013/798/CFSP provides for an arms embargo against the Central African Republic and for the freezing of funds and economic resources of certain persons engaging in or providing support for acts that undermine the peace, stability or security of the Central African Republic.
- (3) On 30 January 2018, the United Nations Security Council adopted Resolution 2399 (2018) ('UNSCR 2399'), which amended the exemptions to the arms embargo and the designation criteria for the asset freeze. The Council adopted Decision (CFSP) 2018/391⁶, amending Decision 2013/798/CFSP to give effect to UNSCR 2399.
- (4) This measure falls within the scope of the Treaty, and regulatory action at the level of the Union is therefore 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 224/2014 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EU) No 224/2014 is amended as follows:

- (1) In Article 3, point (a) is replaced by the following:
 - (a) intended solely for the support of or use by the United Nations Multidimensional Integrated Stabilisation Mission in the Central African Republic (MINUSCA), the Union missions and the French forces deployed in the Central African Republic, as well as other United Nations Member States' forces providing training and assistance as notified in accordance with point (c);;
- (2) Article 5(3) is amended as follows:
 - (a) point (c) is replaced by the following:
 - (c) involved in planning, directing, or committing acts in the Central African Republic that violate international human rights law or international humanitarian law, as applicable, or that constitute human rights abuses or violations, including those involving targeting of civilians, ethnic- or religious-based attacks, attacks on civilian objects, including administrative centres, courthouses, schools and hospitals, and abduction and forced displacement;;
 - (b) point (h) is replaced by the following:
 - (h) involved in planning, directing, sponsoring, or conducting attacks against United Nations missions or international security presences,

⁴ OJ L352, 24.12.2013, p.51.

⁵ Council Regulation (EU) No 224/2014 of 10 March 2014 concerning restrictive measures in view of the situation in the Central African Republic (OJ L70, 11.3.2014, p.1).

⁶ Council Decision (CFSP) 2018/391 of 12 March 2018 amending Decision 2013/798/CFSP concerning restrictive measures against the Central African Republic (OJ L69, 13.3.2018, p.46).

- including MINUSCA, the Union missions and the French forces which support them, as well as against humanitarian personnel;’;
- (c) the following point is added:
- ‘(j) committing acts of incitement to violence, in particular on an ethnic or religious basis, that undermine the peace, stability or security of the Central African Republic, and then engaging in or providing support for acts that undermine the peace, stability or security of the Central African Republic.’

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, 12 March 2018.

For the Council
The President
E. KARANIKOLOV

ENDNOTES

Table of Endnote References

¹ The format of this legislation has been changed as provided for under section 75 of, and paragraph 2 of Schedule 1 to, the Legislation Act 2015. The changes have been approved by the Attorney General after consultation with the Clerk of Tynwald as required by section 76 of the Legislation Act 2015.