

Statutory Document No. 2018/0214



European Communities (Isle of Man) Act 1973

EUROPEAN UNION (LEBANON SANCTIONS) ORDER 2018¹

*Approved by Tynwald: 16th October 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 (Lebanon Sanctions) Order 2018.

2 Commencement

This Order comes into operation immediately after it is made¹.

3 Application of EU instruments

- (1) Subject to paragraph (2) and the modifications set out in the Schedule, Council Regulation (EC) No 305/2006² of 21 February 2006 imposing specific restrictive measures against certain persons suspected of involvement in the assassination of former Lebanese Prime Minister Rafiq Hariri (“Regulation 305/2006”), as modified by the following, applies as part of the law of the Island —
 - (a) Council Regulation (EC) No 1791/2006 of 20 November 2006³; and
 - (b) Council Regulation (EU) No 517/2013 of 13 May 2013⁴.
- (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 An order made under section 2A of the European Communities (Isle of Man) Act 1973 to which section 2A(4A) of that Act applies shall be laid before Tynwald as soon as 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 L51, 22.2.2006, p.1.

³ OJ L363, 20.12.2006, p.1.

⁴ OJ L158, 10.6.2013, p.1.

MADE 08:00 1ST AUGUST 2018



SCHEDULE


[Article 3(1)]

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 305/2006.
- (2) References in Regulation 305/2006 to “the Community”, “Member State” and “Member States” are to 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.
- (3) The Annexes to Regulation 305/2006 apply to the Island as they are amended from time to time.

2 Specific modifications

- (1) Omit Article 1(6).
- (2) In Article 3(2), for “shall inform the competent authorities of the other Member States and the Commission”, substitute “may inform such other Member States or the Commission as it considers appropriate”.
- (3) In Article 5(1)(a), omit “, and shall transmit such information, directly or through these competent authorities, to the Commission”.
- (4) Omit Article 5(2).
- (5) In Article 7 —
 - (a) for “The Commission and Member States shall immediately inform each other”, substitute “Member States may inform such other Member States or the Commission as they consider appropriate”; and
 - (b) for “shall supply each other”, substitute “may as they consider appropriate supply each other”.
- (6) Omit Article 8.
- (7) In Article 9, omit the second paragraph.
- (8) Omit Article 11.
- (9) After Article 11, omit the statement of effect and application.
- (10) In Annex II, after the entry for the UNITED KINGDOM insert —
“ISLE OF MAN

<https://www.gov.im/categories/tax-vat-and-your-money/customs-and-excise/sanctions-and-export-control/> 

Annex

**COUNCIL REGULATION (EC) No 305/2006
of 21 February 2006**

**imposing specific restrictive measures against certain persons suspected of
involvement in the assassination of former Lebanese Prime Minister Rafiq Hariri**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Articles 60, 301 and 308 thereof,

Having regard to Council Common Position 2005/888/CFSP of 12 December 2005 concerning specific restrictive measures against certain persons suspected of involvement in the assassination of former Lebanese Prime Minister Rafiq Hariri⁵,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament⁶,

Whereas:

- (1) On 31 October 2005, the Security Council of the United Nations adopted Resolution 1636 (2005) noting the conclusion of the report of the International Investigation Commission into the 14 February 2005 terrorist bombing in Beirut, Lebanon, that killed 23 people, including former Lebanese Prime Minister Rafiq Hariri, and caused injury to dozens of people.
- (2) The Security Council noted with extreme concern the International Investigation Commission's conclusion that there is converging evidence pointing at the involvement of both Lebanese and Syrian officials in this terrorist act, and acting under Chapter VII of the Charter of the United Nations, decided, as a step to assist in the investigation of this crime and without prejudice to the ultimate judicial determination of the guilt or innocence of any individual, to impose measures against all individuals suspected of involvement in the planning, sponsoring, organizing or perpetrating of this terrorist act.
- (3) Common Position 2005/888/CFSP provides for implementation of the measures set out in UNSCR 1636 (2005) and, in particular, the freezing of funds and economic resources of persons registered by the Committee of the Security Council established by paragraph 3(b) of UNSCR 1636 (2005) as suspected of involvement in the planning, sponsoring, organising or perpetrating of the assassination of former Lebanese Prime Minister Rafiq Hariri and others on 14 February 2005.
- (4) These measures fall within the scope of the Treaty and, therefore, notably with a view to ensuring their uniform application by economic operators in all Member States, Community legislation is necessary to implement them as far as the Community is concerned.
- (5) For reasons of expediency, the Commission should be empowered to amend the Annexes to this Regulation, on the basis of notification or information by the relevant Sanctions Committee and Member States, as appropriate.
- (6) Member States should determine the penalties applicable to infringements of the provisions of this Regulation. The penalties provided for should be proportionate, effective and dissuasive.
- (7) In order to ensure that the measures provided for in this Regulation are effective, it should enter into force on the day of its publication,

HAS ADOPTED THIS REGULATION:

Article 1

For the purposes of this Regulation, the following definitions shall apply:

1. 'Sanctions Committee' means the Committee of the Security Council of the United Nations which was established pursuant to paragraph 3(b) of UNSCR 1636 (2005);
2. 'funds' means financial assets and benefits of every kind, including but not limited to:

⁵ OJ L327, 14.12.2005, p.26.

⁶ Not yet published in the Official Journal.

- (a) cash, cheques, claims on money, drafts, money orders and other payment instruments;
 - (b) deposits with financial institutions or other entities, balances on accounts, debts and debt obligations;
 - (c) publicly and privately traded securities and debt instruments, including stocks and shares, certificates representing securities, bonds, notes, warrants, debentures and derivatives contracts;
 - (d) interest, dividends or other income on or value accruing from or generated by assets;
 - (e) credit, right of set-off, guarantees, performance bonds or other financial commitments;
 - (f) letters of credit, bills of lading, bills of sale;
 - (g) documents evidencing an interest in funds or financial resources;
3. 'freezing of funds' means preventing any move, transfer, alteration, use of, access to, 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 funds to be used, including portfolio management;
 4. 'economic resources' means assets of every kind, whether tangible or intangible, movable or immovable, which are not funds but can be used to obtain funds, goods or services;
 5. 'freezing of economic resources' means preventing the use of economic resources to obtain funds, goods or services in any way, including, but not limited to, the selling, hiring or mortgaging of them;
 6. ~~'territory of the Community' means the territories of the Member States to which the Treaty is applicable, under the conditions laid down in that Treaty.~~

Article 2

1. All funds and economic resources belonging to, owned, held or controlled by the natural or legal persons, entities or bodies listed in Annex I shall be frozen.
2. No funds or economic resources shall be made available, directly or indirectly, to or for the benefit of the natural or legal persons, entities or bodies listed in Annex I.
3. The participation, knowingly and intentionally, in activities the object or effect of which is, directly or indirectly, to circumvent the measures referred to in paragraphs 1 and 2 shall be prohibited.

Article 3

1. By way of derogation from Article 2, the competent authorities of the Member States, as listed in Annex II, may authorise, under such conditions as they deem appropriate, the release of certain frozen funds or economic resources or the making available of certain funds or economic resources, having determined that the funds or economic resources concerned are:
 - (a) necessary for basic expenses, including payments for foodstuffs, rent or mortgage, medicines and medical treatment, taxes, insurance premiums, and public utility charges;
 - (b) intended exclusively for payment of reasonable professional fees and reimbursement of incurred expenses associated with the provision of legal services; or
 - (c) intended exclusively for payment of fees or service charges for routine holding or maintenance of frozen funds or economic resources;
 provided that the Member State concerned has notified the Sanctions Committee of that determination and that the determination has been approved by that Committee.
2. The relevant competent authority ~~shall inform the competent authorities of the other Member States and the Commission~~ **may inform such other Member States or the Commission as it considers appropriate** of any authorisation granted under paragraph 1.

3. Article 2(2) shall not apply to the addition to frozen accounts of interest or other earnings on those accounts provided that any such interest or other earnings are frozen in accordance with Article 2(1).

Article 4

Article 2(2) shall not prevent the crediting of the frozen accounts by financial institutions that receive funds transferred by third parties to the account of a listed person, entity or body, provided that any such crediting to such accounts is also frozen in accordance with Article 2(1). The financial institution shall inform the competent authorities of such transactions without delay.

Article 5

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) supply 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 of the Member States listed in Annex II where they are resident or located, ~~and shall transmit such information, directly or through these competent authorities, to the Commission;~~
 - (b) cooperate with the competent authorities listed in Annex II in any verification of this information.
2. ~~Any additional information directly received by the Commission shall be made available to the competent authorities of the Member State concerned.~~
3. Any information provided or received in accordance with this Article shall be used only for the purposes for which it was provided or received. Such purposes shall be deemed to include cooperation with any international investigation related to the assets or financial transactions of the natural and legal persons, bodies and entities listed in Annex I.

Article 6

The freezing of funds and economic resources or the refusal to make funds or economic resources available, carried out in good faith that such action is in accordance with this Regulation, shall not give rise to liability of any kind on the part of the natural or legal person, entity or body implementing it, or its directors or employees, unless it is proved that the funds and economic resources were frozen as result of negligence.

Article 7

~~The Commission and Member States shall immediately inform each other~~ **Member States may inform such other Member States or the Commission as they consider appropriate** of the measures taken under this Regulation and ~~shall~~ **may as they consider appropriate** supply each other with any other relevant information at their disposal in connection with this Regulation, in particular information in respect of violation and enforcement problems and judgments handed down by national courts.

Article 8

1. ~~The Commission shall be empowered to:~~
 - (a) ~~amend Annex I on the basis of determinations made by the Sanctions Committee; and~~
 - (b) ~~amend Annex II on the basis of information supplied by Member States.~~
2. ~~Without prejudice to the rights and obligations of the Member States under the Charter of the United Nations, the Commission shall maintain all necessary contacts with the Sanctions Committee for the purpose of the effective implementation of this Regulation.~~

Article 9

Member States shall lay down the rules on penalties applicable to infringements of the provisions of this Regulation and shall take all measures necessary to ensure that they are implemented. The penalties provided for must be effective, proportionate and dissuasive. ~~Member States shall notify the Commission of those rules without delay after the entry into force of this Regulation and shall notify it of any subsequent amendment to them.~~

Article 10

This Regulation shall apply:

- (a) within the territory of the Community, including its airspace;
- (b) on board any aircraft or any vessel under the jurisdiction of a Member State;
- (c) to any person inside or outside the territory of the Community who is a national of a Member State;
- (d) to any legal person, entity or body which is incorporated or constituted under the law of a Member State;
- (e) to any legal person, entity or body in respect of any business done in whole or in part within the Community.

Article 11

~~This Regulation shall enter into force on the day 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 February 2006.

For the Council
The President
K. GASTINGER

ANNEX I

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

(Annex to be completed after the persons and entities have been registered by the Committee established by paragraph 3 (b) of UNSCR 1636 (2005))

ANNEX II

List of competent authorities referred to in Articles 3, 4 and 5

BELGIUM

Federale Overheidsdienst Financiën Thesaurie

Kunstlaan 30

B-1040 Brussel

Fax: (32-2) 233 74 65

E-mail: Quesfinvragen.tf@minfin.fed.be

Service Public Fédéral des Finances

Trésorerie

30 Avenue des Arts

B-1040 Bruxelles

Fax: 00 32 2 233 74 65

E-mail: Quesfinvragen.tf@minfin.fed.be

CZECH REPUBLIC

Ministerstvo financí

Finanční analytický útvar

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Ministerstvo zahraničních věcí

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DENMARK

Erhvervs- og Byggestyrelsen

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DK-2100 København K

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Fax (45) 35 46 62 03

Udenrigsministeriet

Asiatisk Plads 2

DK-1448 København K

Tlf. (45) 33 92 00 00

Fax (45) 32 54 05 33

Justitsministeriet
Slotholmsgade 10
DK-1216 København K
Tlf. (45) 33 92 33 40
Fax (45) 33 93 35 10
GERMANY

Concerning funds:
Deutsche Bundesbank
Servicezentrum Finanzsanktionen
Postfach
D-80281 München
Tel.: (49) 89 28 89 3800
Fax: (49) 69 709097 3800

Concerning economic resources
for information in accordance with Art. 5:
Bundesministerium für Wirtschaft und Technologie
Referat V B 2
Scharnhorststr. 34—37
D-10115 Berlin
Tel.: 01888-615-9
Fax: 01888-615-5358
Email: BUERO-VB2@bmwi.bund.de

for granting of exemptions in accordance with Art. 3:
Bundesamt für Wirtschaft und Ausfuhrkontrolle (BAFA)
Frankfurter Straße 29—35
D-65760 Eschborn
Tel.: (49) 6196 908-0
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GREECE

A. Freezing of Assets
Ministry of Economy and Finance
General Directory of Economic Policy
Address: 5 Nikis Str.
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Tel.: + 30 210 3332786
Fax: + 30 210 3332810

A. Δέσμευση κεφαλαίων
Υπουργείο Οικονομίας και Οικονομικών
Γενική Δ/νση Οικονομικής Πολιτικής
Δ/νση: Νίκης 5
10 563 Αθήνα
Τηλ.: + 30 210 3332786
Φαξ: + 30 210 3332810

B. Import-Export restrictions
Ministry of Economy and Finance
General Directorate for Policy Planning and Management
Address: Kornarou Str. 1
10 563 Athens
Tel.: + 30 210 3286401-3
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B. Περιορισμοί εισαγωγών — εξαγωγών
Υπουργείο Οικονομίας και Οικονομικών
Γενική Δ/νση Σχεδιασμού και Διαχείρισης Πολιτικής
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SPAIN

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.: (34) 912 09 95 11

Dirección General de Comercio e Inversiones
Subdirección General de Inversiones Exteriores
Ministerio de Industria, Comercio y Turismo
Paseo de la Castellana, 162
E-28046 Madrid
Tel.: (34) 913 49 39 83

FRANCE

Ministère de l'économie, des finances et de l'industrie
Direction générale du Trésor et de la politique économique
Service des affaires multilatérales et du développement
Sous-direction Politique commerciale et investissements
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Financial Markets Department

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ITALY

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I-00194 Roma

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Ministero dell'Economia e delle Finanze
Dipartimento del Tesoro

Comitato di Sicurezza Finanziaria
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CYPRUS

Ministry of Commerce, Industry and Tourism
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Ministry of Finance (Department of Customs)
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LATVIA

Latvijas Republikas Prokuratūra
Noziedzīgi iegūtu līdzekļu legalizācijas novēršanas dienests
Kalpaka bulvāris 6
Rīga, LV-1801

Tel.: (371) 70144431
Fax: (371) 7044804

Latvijas Republikas Ārlietu ministrija
Brīvības bulvāris 36
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LITHUANIA

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LUXEMBOURG

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Direction des Relations économiques internationales

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HUNGARY

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AUSTRIA

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B. Import-Export restrictions and all other restrictions

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POLAND

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PORTUGAL

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SLOVENIA

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Ministry of Defence

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SI-1000 Ljubljana

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UNITED KINGDOM

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Bank of England

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ISLE OF MAN

<https://www.gov.im/categories/tax-vat-and-your-money/customs-and-excise/sanctions-and-export-control/>

EUROPEAN COMMUNITY

Commission of the European Communities

Directorate-General for External Relations

Directorate Common Foreign and Security Policy (CFSP) and European Security and Defence

Policy (ESDP): Commission Coordination and Contribution

Legal and institutional matters, CFSP Joint Actions, Sanctions, Kimberley Process

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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.