



EUROPEAN COMMUNITIES (ISLE OF MAN) ACT 1973

**EUROPEAN COMMUNITIES (FLIGHTS RESTRICTIONS) (APPLICATION)
ORDER 2000**

Draft laid before Tynwald 16th November 1999
Draft approved by Tynwald 14th December 1999
Coming into operation in accordance with Article 1

In exercise of the powers conferred on the Governor in Council by section 2A of the European Communities (Isle of Man) Act 1973^(a), and of all other powers enabling him in that behalf, the following Order is hereby made :-

Citation, commencement and revocation

1. (1) This Order may be cited as the European Communities (Flights Restrictions) (Application) Order 2000 and shall come into operation on the day on which it is made.

(2) The European Communities (Prohibition of Flights) (Application) Order 1999^(b) is revoked.

Application of Community instruments

2. (1) Subject to paragraph (2) and to the modifications set out in the Schedule, Council Regulation (EC) Number 2151/1999 shall apply as part of the law of the Island to the same extent as in the United Kingdom.

(2) This Order does not apply in respect of provisions of that Regulation which apply as part of the law of the Island under section 2(1) of the European Communities (Isle of Man) Act 1973.

^(a) 1973 c.14.

^(b) S.D. No. 551/99

Article 2

SCHEDULE

LIST OF MODIFICATIONS TO THE APPLIED INSTRUMENT

Council Regulation (EC) No 2151/1999 of 11 October 1999 imposing a ban on flights between the territories of the Community and the Federal Republic of Yugoslavia other than the Republic of Montenegro or the Province of Kosovo, and repealing Regulation (EC) No 1064/1999

1. Throughout the instrument, references to "Member State", "Member States", "the Community", "the territory of the Community", and "the territories of the Community" shall be construed as including the Isle of Man.
2. In Article 3 omit paragraphs 2 to 4.
3. Omit Article 4.
4. Omit Articles 7 to 9 and 11.
5. Omit the Annexes.

Made this

5th

day of

January

2000

JF Kissack
Chief Secretary

EXPLANATORY NOTE

(This is not part of the Order)

This Order applies provisions of European Community Council Regulation No 2151/1999 to the Isle of Man as part of the law of the Island. The Regulation deals with the imposition of restrictions on flights to the Federal Republic of Yugoslavia, but allows for flights to the Kosovo Province of Serbia, and the Republic of Montenegro, as well as allowing for emergency landings and ensuing take-offs, and flights of a purely humanitarian nature. A copy of the Regulation is included as an Annex but does not form part of the Order.

COUNCIL REGULATION (EC) No 2151/1999

of 11 October 1999

imposing a ban on flights between the territories of the Community and the Federal Republic of Yugoslavia other than the Republic of Montenegro or the Province of Kosovo, and repealing Regulation (EC) No 1064/1999

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 301 thereof,

Having regard to Common Position 99/318/CFSP adopted by the Council on the basis of Article 15 of the Treaty on European Union concerning additional restrictive measures against the Federal Republic of Yugoslavia,

Having regard to the proposal from the Commission,

Whereas:

- (1) The government of the Federal Republic of Yugoslavia (FRY) has continued to violate United Nations Security Council resolutions and to pursue extreme and criminally irresponsible policies, including repression against its own citizens, which constitute serious violations of human rights and international humanitarian law;
- (2) Therefore, all flights between the territory of the Community and that of the Federal Republic of Yugoslavia other than the Republic of Montenegro or the Province of Kosovo should be prohibited;
- (3) This prohibition should not apply, under certain conditions, to Montenegro Airlines;
- (4) This measure falls under the scope of the Treaty establishing the European Community;
- (5) Therefore, and notably with a view to avoiding distortion of competition, Community legislation is necessary for the implementation of this measure, whereas as far as the territory of the Community is concerned; such territory is deemed to encompass, for the purposes of this Regulation, the territories of the Member States to which the Treaty establishing the European Community is applicable, under the conditions laid down in that Treaty;
- (6) There is a need to allow emergency landings and ensuring take-offs, and to allow exceptions for flights which serve strictly humanitarian purposes:
- (7) There is a need for the Commission and Member States to inform each other of the measures taken under this Regulation and of other relevant information at their disposal in connection with this Regulation;

- (8) For reasons of transparency and simplicity, the provisions of Council Regulation (EC) No 1064/1999 of 21 May 1999 imposing a ban on flights between the European Community and Federal Republic of Yugoslavia, and repealing Regulation (EC) No 1901/98 should be incorporated in this Regulation, and that Regulation should be repealed,

HAS ADOPTED THIS REGULATION:

Article 1

It shall be prohibited to take off from or land in the *territory of Community (construed as including the Isle of Man)* for:

- (a) any aircraft operated, directly or indirectly, by a Yugoslav carrier that is a carrier having its principal place of business or its registered office in the Federal Republic of Yugoslavia (FRY);
- (b) any aircraft registered in the FRY; and
- (c) any civil aircraft, that is an aircraft operated for commercial or private purposes, if it has taken off from or is destined to land in the territory of the FRY.

Article 2

1. All operating authorisations for scheduled air services between any point in *the territory of the Community (construed as including the Isle of Man)* and any point in the FRY are hereby revoked and no new operating authorisations for such services shall be granted.
2. All authorisations for charter flights, be they individual or series flights, between any point in the territory of *the Community (construed as including the Isle of Man)* and any point in the FRY are hereby revoked and no new authorisations for such flights shall be granted.
3. No new operating authorisations shall be granted or existing ones renewed enabling aircraft that are either registered in the FRY or operated by Yugoslav carriers, to fly to or from airports in *the Community (construed as including the Isle of Man)*.

Article 3

1. Article 1 shall not apply to emergency landings and ensuing take-offs.

Paragraphs 2 to 4 Omitted

Article 4...omitted

Article 5

Participation, knowingly and intentionally, in related activities, the object or effect of which is, directly or indirectly, to circumvent Articles 1 and 2 shall be prohibited.

Article 6

Each *Member State (construed as including the Isle of Man)* shall determine the sanctions to be imposed where the provisions of this Regulation are infringed. Such sanctions must be effective, proportionate and dissuasive.

Pending the adoption, where necessary, of any legislation to this end, the sanctions to be imposed where the provisions of this Regulation are infringed shall be those determined by the *Member States (construed as including the Isle of Man)* in accordance with Article 5 of Regulation (EC) No 1901/98 or Article 6 of Regulation (EC) No 1064/1999.

Article 7...omitted

Article 8...omitted

Article 9...omitted

Article 10

This Regulation shall apply:

- (a) within the *territory of the Community (construed as including the Isle of Man)* including its airspace,
- (b) on board any aircraft or any vessel under the jurisdiction of a *Member State (construed as including the Isle of Man)*,
- (c) to any person elsewhere who is a national of a *Member State (construed as including the Isle of Man)*, and
- (d) to any body which is incorporated or constituted under the law of a *Member State (construed as including the Isle of Man)*.

Article 11...omitted

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Luxembourg, 11 October 1999.

For the Council
The President
T. HALONEN

ANNEX I...omitted

ANNEX II...omitted

ANNEX III...omitted