



EUROPEAN COMMUNITIES (ISLE OF MAN) ACT 1973

**EUROPEAN COMMUNITIES (PETROLEUM SANCTIONS) (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 (Petroleum Sanctions)(Application) Order 2000 and shall come into operation on the day on which it is made.
- (2) The European Communities (Sanctions) (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 2111/1999 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. 403/99

Article 2

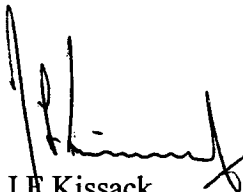
SCHEDULE

LIST OF MODIFICATIONS TO THE APPLIED INSTRUMENT

Council Regulation (EC) No 2111/1999 of 4 October 1999 prohibiting the sale and supply of petroleum and certain petroleum products to certain parts of the Federal Republic of Yugoslavia (FRY) and repealing Regulation (EC) No 900/1999.

1. Throughout the instrument, references to "Member State", "Member States", "the Community", "the territory of the Community" shall be construed as including the Isle of Man and any reference to a competent authority (except in Article 7) shall be construed as including the Treasury.
2. Omit Article 3 (3).
3. Omit Articles 8 and 10.

Made this 5th day of January 2000


J F Kissack
Chief Secretary

EXPLANATORY NOTE
(This is not part of the Order)

This Order applies provisions of European Community Council Regulation No 2111/1999 to the Island as part of the law of the Island. The Regulation deals with the imposition of restrictions of the sale of petroleum and petroleum products to the Federal Republic of Yugoslavia, but allows for the sale of such goods to the Kosovo Province of Serbia, and the Republic of Montenegro, as well as allowing for the supply of petroleum and related products to the consular missions of EU Member States in the FRY and the international military peace-keeping force. A copy of the Regulation is included as an Annex but does not form part of the Order.

**COUNCIL REGULATION (EC) No 2111/1999
of 4 October 1999**

prohibiting the sale and supply of petroleum and certain petroleum products to certain parts of the Federal Republic of Yugoslavia (FRY) and repealing Regulation (EC) No 900/1999

THE COUNCIL OF THE EUROPEAN UNION

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

Having regard to Council Common Position 1999/604/CFSP of 3 September 1999, amending Common Position 1999/273/CFSP concerning a ban on the supply and sale of petroleum and petroleum products to the Federal Republic of Yugoslavia (FRY), and Common Position 1999/318/CFSP 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, and Common Position 1999/273/CFSP provided that the supply and sale of petroleum and petroleum products to the FRY should be prohibited; however, Council Common Position 1999/604/CFSP provides that that prohibition should not apply to the sale and supply of such products to the Province of Kosovo and the Republic of Montenegro;
- (2) The prohibition of selling, supplying or exporting petroleum and petroleum products to the FRY falls within the scope of the Treaty establishing the European Community;
- (3) Therefore, and particularly with a view to avoiding distortion of competition, Community legislation is necessary for the implementation of this prohibition as far as the territory of the Community is concerned; for the purposes of this Regulation such territory is deemed to encompass the territories of the Member States to which the Treaty establishing the European Community is applicable, under the conditions laid down in that Treaty;
- (4) To that end the Council adopted on 29 April 1999 a Regulation (EC) No 900/1999 prohibiting the sale and supply of petroleum and certain petroleum products to the Federal Republic of Yugoslavia (FRY)
- (5) The developments with regard to the FRY permit a partial lifting of the embargo imposed by Regulation (EC) No 900/1999;

- (6) Such partial lifting should not prejudice the remaining applicability of Regulation (EC) No 900/1999 with regard to the FRY;
- (7) For reasons of transparency and simplicity, the provisions of Regulation (EC) No 900/1999 should be incorporated in this Regulation, and that Regulation should be repealed,

HAS ADOPTED THIS REGULATION:

Article 1

It shall be prohibited, knowingly and intentionally, to:

- (a) sell, supply or export, directly or indirectly, petroleum and petroleum products listed in Annex I, whether or not originating in *the Community (construed as including the Isle of Man)*, to any person or body in the FRY or to any person or body for the purpose of any business carried on in, or operated from, the territory of the FRY;
- (b) ship products referred to in point (a) to the territory of the FRY;
- (c) participate in related activities the object or the effect of which is to promote the transactions or activities referred to in points (a) and (b).

Article 2

1. Notwithstanding the provisions of Article 1, the *competent authorities (construed as including the Isle of Man Treasury)* may authorise:

- (a) the sale, supply, export or shipment of products listed in Annex I for the use of diplomatic and consular missions of the *Member States (construed as including the Isle of Man)* in the FRY as well as for the use of an international military peace-keeping presence;
- (b) on a case-by-case basis and subject to the consultation procedure set out in paragraph 2, the sale, supply or export of the products listed in Annex I if conclusive evidence is given to *these authorities (construed as including the Isle of Man Treasury)* that the sale, supply or export serves strictly humanitarian purposes.

2. The *competent authorities of a Member State (construed as including the Isle of Man Treasury)* which intend to authorise a sale, supply or export in accordance with paragraph 1(b) shall notify to the *competent authorities (construed as including the Isle of Man Treasury)* of the other *Member States (construed as including the Isle of Man)* and to the Commission the grounds on which they intend to authorise the sale, supply or export concerned.

If, within one working day after the receipt of the said notification, a *Member State (construed as including the Isle of Man)* or the Commission has given notice to the other

Member States (construed as including the Isle of Man) or the Commission of conclusive evidence that the intended sale, supply or export will not serve the indicated humanitarian purposes, the Commission will convene within one working day of the said notice a meeting with the *Member States (construed as including the Isle of Man)* in order to consult on the relevant evidence.

The *Member State (construed as including the Isle of Man)* which intends to authorise the sale, supply or export shall take a decision with regard to this authorisation only when no objections have been raised or after the consultations on the conclusive evidence have taken place at the meeting convened by the Commission. In case of an authorisation, the *Member State (construed as including the Isle of Man)* concerned shall notify to the other *Member States (construed as including the Isle of Man)* and the Commission the grounds on which its decision to authorise has been taken.

Article 3

1. Notwithstanding the provisions of Article 1, the *competent authorities (construed as including the Isle of Man Treasury)* may authorise the sale, supply or export, directly or indirectly, of petroleum and petroleum products listed in Annex I to any person or body for the purpose of any business carried on in, or operated from, the territory of the Federal Republic of Yugoslavia, and the shipment to the territory of the Federal Republic of Yugoslavia, provided that conclusive evidence is presented to *these authorities (construed as including the Isle of Man Treasury)* that:

- (a) the petroleum and petroleum products sold, supplied or exported are shipped from *the Community (construed as including the Isle of Man)* to the Republic of Montenegro or the Province of Kosovo without transiting through other parts of the Republic of Serbia; and
- (b) the petroleum and petroleum products shall not leave the territory of the Republic of Montenegro or the Province of Kosovo for any destination elsewhere in the Republic of Serbia.

Any authorisation should be made in accordance with the model set out in Annex II.

2. A declaration by the relevant bodies designated by the Special Representative of the United Nations Secretary General for the Province of Kosovo or by the competent authorities of the Republic of Montenegro listed in Annex III, in accordance with the model set out in Annex IV, shall be conclusive evidence for the purpose of any authorisation pursuant to paragraph 1.

Paragraph 3...omitted

Article 4

Article 1 shall not apply as regards sales, supplies, exports or shipments to the forces in which the *Member States (construed as including the Isle of Man)* participate, operating in the FRY.

Article 5

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 shall 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 Council Regulation (EC) No 926/98 of 27 April 1998 concerning the reduction of certain economic relations with the Federal Republic of Yugoslavia,

Article 6

The Commission and the *Member States (construed as including the Isle of Man)* shall inform each other of the measures taken under this Regulation and shall supply each other with other relevant information at their disposal in connection with this Regulation, such as violation and enforcement problems or judgements handed down by national courts.

Member States (construed as including the Isle of Man) shall notify the *competent authorities (construed as including the Isle of Man Treasury)* of other *Member States (construed as including the Isle of Man)* and the Commission of any authorisations for sale, supply, or export or shipment granted in accordance with Article 3(1).

Article 7

The Commission shall establish the list of competent authorities referred to in Articles 2 and 3(1) on the basis of relevant information provided by the *Member States (construed as including the Isle of Man)*. The Commission shall publish this list and any changes to it in the *Official Journal of the European Communities*.

The Commission shall establish and, if necessary, amend the list of competent authorities of the Republic of Montenegro referred to in Article 3(2).

The Commission shall establish and, if necessary, amend the list of relevant bodies designated by the Special Representative of the United Nations Secretary General for the Province of Kosovo referred to in Article 3(2).

The Commission shall amend if necessary the models of prior authorisation and prior final destination declaration referred to Article 3(1) and (2). The Commission shall publish any changes to this list and these models in the *Official Journal of the European Communities*.

Article 8...omitted

Article 9

This Regulation shall apply within the *territory of the Community (construed as including the Isle of Man)*, including its air space and on board any aircraft or any vessel under jurisdiction of a *Member State (construed as including the Isle of Man)* and to any person elsewhere who is a national of a *Member State (construed as including the Isle of Man)* and any body which is incorporated or constituted under the law of a *Member State (construed as including the Isle of Man)*.

Article 10...omitted

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

Done at Luxembourg, 4 October 1999.

For the Council
The President
K. HÄKÄMIES

ANNEX I

Petroleum and petroleum products referred to in Article 1

CN Code	Product description
2709	Petroleum oils and oils obtained from bituminous minerals, crude
2710	Petroleum oils and oils obtained from bituminous minerals, other than crude; preparations not elsewhere specified of included, containing by weight 70% or more of petroleum oils or of oils obtained from bituminous minerals, these oils being the basic constituents of the preparations
2711	Petroleum gases and other gaseous hydrocarbons
2712 10	Petroleum jelly
2712 20 00	Paraffin wax containing by weight less than 0.75% of oil
ex 2712 90	'Slack wax', 'scale wax'
2713	Petroleum coke, petroleum bitumen and other residues of petroleum oils or of oils obtained from bituminous minerals
2714	Bitumen and asphalt, natural; bituminous shale and tar sands; asphaltites and asphaltic rocks
2715 00 00	Bituminous mixtures based on natural asphalt, on natural bitumen, on petroleum bitumen, on mineral tar or on natural tar pitch (for example, bituminous mastics, cutbacks)
2901	Acyclic hydrocarbons
2902 11 00	Cyclohexane
2902 20	Benzene
2902 30	Toluene
2902 41 00	o-Xylene
2902 42 00	m-Xylene
2902 43 00	p-Xylene
2902 44	Mixed xylene isomers
2902 50 00	Styrene
2902 60 00	Ethylbenzene
2902 70 00	Cumene
2905 11 00	Methanol (methyl alcohol)
3403 19 10	Lubricating preparations (including cutting-oil preparations, bolt or nut release preparations, anti-rust or anti-corrosion preparations and mould release preparations, based on lubricants) containing 70% or more by weight of petroleum oils or of oils obtained from bituminous minerals but not as the basic constituent
3811 21 00	Additives for lubricating oils containing petroleum oils or oils obtained from bituminous minerals
3824 90 10	Petroleum sulphonates, excluding petroleum sulphonated of alkali metals, of ammonium or of ethanolamines; thiophenated sulphonic acids oils obtained from bituminous minerals, and their salts
ex 3824 90 95	Other products derived from petroleum and petroleum products

ANNEX II

Model of authorisation of EC competent authorities referred to in Article 3(1)

EUROPEAN COMMUNITY	PRIOR AUTHORISATION		
1. APPLICANT (name, full address, country)	ORIGINAL		
	2. No Date Period of validity		
3. END-USER/FINAL DESTINATION (name, full address, country/territory)	4. COUNTRY OF EXPORT (Code) (1)		
	5. TERRITORY OF DESTINATION AND ROUTE OF SHIPMENT		
6. PLACE AND DATE OF SHIPMENT - MEANS OF TRANSPORT	7. NUMBER OF DECLARATION OF END USER/ FINAL DESTINATION		
NOTE This authorisation does not discharge the exporter from fulfilling any other conditions applicable in the export of the goods concerned.	8. SUPPLEMENTARY DETAILS		
9. MARKS AND NUMBER - NUMBER AND KIND OF PACKAGES - DESCRIPTION OF GOODS AND THEIR USE	10. CN CODE	11. QUANTITY(2)	12. VALUE (3)
13. CERTIFICATION BY THE COMPETENT AUTHORITY OF THE EUROPEAN COMMUNITIES Certified that the sale, supply, export or shipment to the FRY of products described above has been authorised <div style="text-align: center;"> Place and Date Signature </div>			
14. COMPETENT AUTHORITY (name, full address, country)			Stamp

(1) As listed in Commission Regulation (EC) No 2645/98 (OJ L 335, 10.12.1998, p. 22).

(2) Show net weight (KG) and also quality in the unit prescribed for category where other than net weight

(3) In the currency of the sale contract

ANNEX III

List of relevant bodies in the Province of Kosovo and competent authorities of the Republic of Montenegro, referred to in Article 3(2)

[...]

p.m.

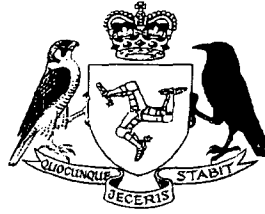
ANNEX IV

Model of prior final destination declaration of the relevant bodies of the Province of Kosovo or the competent authorities of the Republic of Montenegro referred to in Article 3(2)

PRIOR FINAL DESTINATION DECLARATION

1. APPLICANT (name, full address, country)	ORIGINAL		
	2. No Date Period of validity		
3. END-USER/FINAL DESTINATION (name, full address, country/territory) (1)	4. COUNTRY OF EXPORT (Code) (2)		
	5. TERRITORY OF DESTINATION AND ROUTE OF SHIPMENT PROVINCE OF KOSOVO/REPUBLIC OF MONTENEGRO KOSOVO/REPUBLIC OF MONTENEGRO (3)		
6. SUPPLY DETAILS			
7. MARKS AND NUMBER - NUMBER AND KIND OF PACKAGES - DESCRIPTION OF GOODS AND THEIR USE	8. CN CODE	9. QUANTITY (4)	10. VALUE (5)
<p>11. CERTIFICATION BY THE RELEVANT BODY OF THE PROVINCE OF KOSOVO OR THE COMPETENT AUTHORITY OF THE REPUBLIC OF MONTENEGRO (3)</p> <p>The said goods are subject to official control as regards their end-user/final destination. The certificate ceases to be valid unless presented to the competent authorities with three months from the date of issue. Certificates which have not been used must be returned to the competent authority. Diversion (re-exportation) to another country only possible with the authorisation of the competent licensing authority.</p> <p>I, the undersigned, certify that the end-user/final destination of the goods described above is in the territory of Province of Kosovo/Republic of Montenegro (3)</p> <p style="text-align: right; margin-right: 100px;">Place and Date</p> <p style="text-align: right; margin-right: 100px;">Signature</p>			
14. COMPETENT AUTHORITY (name, full address, country)			Stamp

- (1) If there are more than 10 end-users or final destinations, the applicant shall indicate these end-users or final destinations in an Annex to this Declaration.
 (2) As listed in Commission Regulation (EC) No 2645/98 (OJ L 335, 10.12.1998, p 22)
 (3) Indicate which of both territories/authorities
 (4) Show net weight (kg) and also quantity in the unit prescribed for category where other than net weight
 (5) In the currently of the sale contract



Statutory Document No. 10/00

THE ROAD TRAFFIC ACT 1985

THE BREATH TEST AND ANALYSIS (APPROVAL OF
DEVICES) INSTRUMENT 2000

Coming into operation 1st March 2000

In exercise of the powers conferred on the Department of Home Affairs by section 5B(8) and 6(1)(a) of the Road Traffic Act 1985^(a), and of all other enabling powers, the following Instrument is hereby made:-

Citation and commencement

1. This Instrument may be cited as the Breath Test and Analysis (Approval Of Devices) Instrument 2000 and shall come into operation on the 1st March 2000.

Approval of devices

2. (1) The device known as the Lion Alcolmeter SL-400A, manufactured by Lion Laboratories plc, is approved for the purpose of section 5B(8) of the Road Traffic Act 1985 (device for obtaining indication whether proportion of alcohol in breath is likely to exceed limit).

(2) The device known as the Lion Intoxilyzer 6000UK, manufactured by Lion Laboratories plc and composed of the Lion Intoxilyzer 6000UK, the Lion Intoxilyzer 6000UK Gas Delivery System and Type A, B and C software version 2.34, is approved for the purpose of section 6(1)(a) of the Road Traffic Act 1985 (device for analysing specimen of breath).

Revocation

3. The Breath Test and Analysis (Approval of Devices) Instrument 1999^(b) is revoked.

^(a) 1985 c.23

^(b) SD 49/99

Price 30p

Made 11th January 2000



Minister for Home Affairs

EXPLANATORY NOTE

(This note is not part of the Instrument)

This Instrument approves specified devices for the purposes of section 5B(8) of the Road Traffic Act 1985 (device for obtaining indication whether proportion of alcohol in breath is likely to exceed limit) and section 6(1)(a) of that Act (device for analysing specimen of breath). It replaces the Breath Test and Analysis (Approval of Devices) Instrument 1999 (SD 49/99).