



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 21.01.1999
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Proposal for a

COUNCIL REGULATION (EC)

amending Council Regulation (EC) No 1901/98 of 7 September 1998 concerning a ban on flights of Yugoslav carriers between the Federal Republic of Yugoslavia and the European Community

(presented by the Commission)

EXPLANATORY MEMORANDUM

It has been the policy of the European Union to avoid or minimise negative effects on Montenegro of the sanctions imposed in 1998 on the Federal Republic of Yugoslavia and/or Serbia in view of the situation in Kosovo.

For that reason the Council already agreed on an exemption from the flight ban (Regulation 1901/98) for Montenegro Airlines. Due to lack of sufficient information this exemption was limited to authorisation for charter flights between Leipzig and Tivat.

Since then the Montenegrin authorities have provided conclusive evidence that they effectively control Montenegro Airlines and airports and air services in Montenegro. Therefore, it seems justified to extend the exemption to authorisations for all individual or series charter flights by Montenegro Airlines.

However, such authorisations should be withdrawn immediately if it turns out that the Montenegrin authorities can not effectively prevent that such authorisations would, directly or indirectly, benefit the FRY or Serbian authorities.

The Montenegrin authorities will have to provide the relevant information on a regular basis or on request. It seems most efficient to entrust the Commission with the task of gathering the necessary information, which will, in accordance with Article 6 of Regulation 1901/98, inform the competent authorities of the Member States.

The present proposal of the Commission for amending Regulation 1901/98 aims to create this conditional general exemption for Montenegro Airlines.

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amending Council Regulation (EC) No 1901/98 of 7 September 1998 concerning a ban on flights of Yugoslav carriers between the Federal Republic of Yugoslavia and the European Community

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 228a thereof,

Having regard to Common Position 98/426/CFSP of 29 June 1998 defined by the Council on the basis of Article J.2 of the Treaty on European Union, concerning a ban on flights by Yugoslav carriers between the Federal Republic of Yugoslavia and the European Community¹

Having regard to the proposal from the Commission,

Whereas the Council adopted Council Regulation (EC) No 1901/98 concerning a ban on flights by Yugoslav carriers between the Federal Republic of Yugoslavia and the European Community²

Whereas the Council has expressed its desire to avoid or to minimise negative effects on Montenegro from the sanctions imposed on the Federal Republic of Yugoslavia and/or Serbia

Whereas for that reason and on the basis of the information available the Council decided to exempt Montenegro Airlines from the flight ban imposed by Regulation (EC) No 1901/98 as far as authorisations for charter flights between Leipzig and Tivat are concerned,

Whereas, since then, the Montenegrin Government has expressed its interest in authorisations for other flights by Montenegro Airlines between Montenegro and the European Community and has been able to provide conclusive evidence to the Commission that such authorisations will not benefit, directly or indirectly, the Serbian or federal Yugoslav authorities,

¹ OJ L 190, 4.7.1998, p. 3

² OJ L 248, 8.9.1998, p. 1

HAS ADOPTED THIS REGULATION:

Article 1

Paragraph 1(b) of Article 3 of Regulation (EC) No 1901/98 is replaced by the following:

"(b) authorisations for individual or charter series flights by Montenegro Airlines between Montenegro and the European Community, on the condition that conclusive evidence is provided by the Montenegrin Government to the European Commission upon its request that neither the Serbian nor the federal Yugoslav authorities will benefit, directly or indirectly, from the revenues resulting from the flights authorised under this paragraph."

Article 2

This Regulation shall enter into force on the day of its publication in the *Official Journal of the European Communities*.

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

Done at...

For the Council

The President

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