



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 01.03.1996
COM(96) 89 final

Proposal for a

COUNCIL REGULATION (EC)

suspending Regulation (EEC) No 990/93 and Regulation (EC) No 2471/94, and repealing Regulation (EC) No 2472/94 and Regulation (EC) No 2815/95, concerning the interruption of economic and financial relations with the Federal Republic of Yugoslavia (Serbia and Montenegro), the United Nations Protected Areas in the Republic of Croatia and those areas of the Republic of Bosnia and Herzegovina under the control of Bosnian Serb forces,

Draft

DECISION OF THE REPRESENTATIVES OF THE GOVERNMENTS OF THE
MEMBER STATES OF THE EUROPEAN COAL AND STEEL COMMUNITY,
MEETING WITHIN THE COUNCIL

suspending Decision 93/235/ECSC and repealing Decision 95/510/ECSC, concerning the interruption of economic relations with the Federal Republic of Yugoslavia (Serbia and Montenegro), the United Nations Protected Areas in the Republic of Croatia and those areas of the Republic of Bosnia and Herzegovina under the control of Bosnian Serb forces

(presented by the Commission)

EXPLANATORY MEMORANDUM

The present proposal for a Council Regulation (EC) and a draft ECSC Decision aim primarily at the suspension of the economic and financial sanctions against the Bosnian Serbs in accordance with resolution 1022 (1995) of the Security Council of the United Nations. The suspension of the sanctions against the Bosnian Serb party was made conditional by the Security Council on the withdrawal by the Bosnian Serb forces behind the zones of separation established in the Peace Agreement. The Security Council has now been satisfied that this withdrawal has taken place.

In order to make the Community legislation as transparent as possible for the economic operators, the present proposal integrates the provisions of the existing legislation, respectively of the European Community and of the European Coal and Steel Community, dealing with the suspension of the major part of the sanctions with regard to the former Socialist Federal Republic of Yugoslavia, and, for this reason, provides for the repeal of that existing legislation.

There is no need for a separate Common Position of the Council on the basis of Article J.2. Common Position 95/511/CSFP covers already the present proposals.

COUNCIL REGULATION (EC) No .../96

suspending Regulation (EEC) No 990/93 and Regulation (EC) No 2471/94, and repealing Regulation (EC) No 2472/94 and Regulation (EC) No 2815/95, concerning the interruption of economic and financial relations with the Federal Republic of Yugoslavia (Serbia and Montenegro), the United Nations Protected Areas in the Republic of Croatia and those areas of the Republic of Bosnia and Herzegovina under the control of Bosnian Serb forces,

THE COUNCIL OF THE EUROPEAN UNION

Having regard to the Treaty establishing the European Community, and in particular Articles 73g and 228a thereof,

Having regard to the Common Position of 4 December 1995 defined by the Council on the basis of Article J.2 of the Treaty on European Union, with regard to the suspension of the restrictions on trade with the Federal Republic of Yugoslavia (Serbia and Montenegro) and with the Bosnian Serb party, decided on by the United Nations Security Council in its Resolution 1022 (1995) (1),

Having regard to the proposal from the Commission,

Whereas the United Nations Security Council, in view of the agreement reached between the parties concerned with regard to the Republic of Bosnia and Herzegovina, has decided, in its Resolution 1022 (1995) to suspend the restrictions concerning economic and financial relations with the Federal Republic of Yugoslavia (Serbia and Montenegro), the United Nations Protected Areas in the Republic of Croatia and, when certain conditions are fulfilled, those areas of the Republic of Bosnia and Herzegovina under the control of Bosnian Serb forces;

Whereas the Security Council has been satisfied that the aforementioned conditions are fulfilled,

Whereas the Council already adopted Regulation (EC) No 2815/95 (2), suspending Regulation (EEC) No 990/93 (3) with regard to the Federal Republic of Yugoslavia (Serbia and Montenegro);

Whereas, for reasons of transparency, the Community legislation, implementing resolution 1022 (1995), should be incorporated in an all-embracing Community instrument, and, therefore, Regulation (EC) No 2815/95 should be repealed;

HAS ADOPTED THIS REGULATION:

Article 1

1. Regulation (EEC) No 990/93 and Regulation (EC) 2471/94 (4) are hereby suspended.

(1) OJ L 297, 9.12.1995, p.4

(2) OJ L 297, 9.12.1995, p.1

(3) OJ L 102, 28.4.1993, p.14, as last amended by Regulation (EC) No 1380/95 (OJ L138, 21.6.1995, p.1)

(4) OJ L 266, 15.10.1994, p.1

2. As long as the Regulations mentioned in paragraph 1 remain suspended, all funds and assets previously frozen or impounded pursuant to those Regulations may be released by Member States in accordance with law, provided that any such funds or assets that are subject to any claims, liens, judgments, or encumbrances, or which are the funds or assets of any person, partnership, corporation, or other entity found or deemed to be insolvent under the law or the accounting principles prevailing in the relevant Member State, shall remain frozen or impounded until released in accordance with applicable law.

3. Regulation (EC) 2472/94 ⁽⁵⁾ and Regulation (EC) No 2815/95 are hereby repealed.

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

⁽⁵⁾ OJ L 266, 15.10.1994, as last amended by Regulation (EEC) No 2229/95 (OJ L 227, 22.9.1995, p.1)

draft

DECISION OF THE REPRESENTATIVES OF THE GOVERNMENTS OF THE MEMBER STATES, MEETING WITHIN THE COUNCIL,

suspending Decision 93/235/ECSC and repealing Decision 95/510/ECSC, concerning the interruption of economic relations with the Federal Republic of Yugoslavia (Serbia and Montenegro), the United Nations Protected Areas in the Republic of Croatia and those areas of the Republic of Bosnia and Herzegovina under the control of Bosnian Serb forces

THE REPRESENTATIVES OF THE GOVERNMENTS OF THE MEMBER STATES OF THE EUROPEAN COAL AND STEEL COMMUNITY, MEETING WITHIN THE COUNCIL,

Having regard to the Common Position of 4 December 1995 defined by the Council on the basis of Article J.2 of the Treaty on European Union, with regard to the suspension of the restrictions on trade with the Federal Republic of Yugoslavia (Serbia and Montenegro) and with the Bosnian Serb Party, decided on by the United Nations Security Council in its Resolution 1022 (1995),⁽¹⁾

Whereas the United Nations Security Council, in view of the agreement reached between the parties concerned with regard to the Republic of Bosnia and Herzegovina, has decided, in its Resolution 1022 (1995) to suspend the restrictions concerning economic and financial relations with the federal Republic of Yugoslavia (Serbia and Montenegro), the United Nations Protected Areas in the Republic of Croatia and, when certain conditions are fulfilled, those areas of the Republic of Bosnia and Herzegovina under the control of Bosnian Serb forces;

Whereas the Security Council has been satisfied that the aforementioned conditions are fulfilled;

Whereas Decision 95/510/ECSC⁽²⁾ was taken suspending Decision 93/235/ECSC⁽³⁾ with regard to the Federal Republic of Yugoslavia (Serbia and Montenegro);

Whereas, for reasons of transparency, the existing legislation, implementing resolution 1022 (1995), should be incorporated in an all-embracing Community instrument, and, therefore, Decision 95/510/ECSC should be repealed;

In agreement with the Commission,

(1) OJ L 297, 9.12.1995, p. 4

(2) OJ L 297, 9.12.1995, p.3

(3) OJ L 102, 28.4.1993, p.17

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HAVE DECIDED AS FOLLOWS:

Article 1

1. Decision 93/235/ECSC is hereby suspended.
2. Decision 95/510/ECSC is hereby repealed.

Article 2

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

Done at

The President

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