

# COMMISSION OF THE EUROPEAN COMMUNITIES

COM(92) 424 final

Brussels, 11 August 1992

441.2(70)

Proposal for a

## COUNCIL REGULATION (EEC)

concerning certain technical modalities in connection with the application of Regulation (EEC) No 1432/92 prohibiting trade between the European Economic Community and the Republics of Serbia and Montenegro

Draft

## DECISION OF THE REPRESENTATIVES OF THE GOVERNMENTS OF THE MEMBER STATES

### MEETING WITHIN THE COUNCIL

concerning certain technical modalities in connection with the application of the Decision of the Representatives of the Governments of the Member States meeting within the Council N°92/285/ECSC prohibiting trade between the European Coal and Steel Community and the Republics of Serbia and Montenegro

(presented by the Commission)



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## EXPLANATORY MEMORANDUM

The proposals attached are aimed at strengthening the effective application of the embargo on the Republics of Serbia and Montenegro. To this effect, it is proposed that exports to neighbouring countries and territories (the Republics of Bosnia-Herzegovina, Croatia and Slovenia as well as the territory of the former Yugoslav Republic of Macedonia) should be made subject to prior export authorization to be issued by the competent authorities of the Member States. The export authorization should be conditional upon the prior issuance of import licences by the authorities of the Republics concerned and on their agreement to confirm the arrival of the goods exported at their destination.

Proposal for a  
Council Regulation (EEC) No  
of

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concerning certain technical modalities in connection with the application of Regulation (EEC) No 1432/92 prohibiting trade between the European Economic Community and the Republics of Serbia and Montenegro

**THE COUNCIL OF THE EUROPEAN COMMUNITIES,**

Having regard to the Treaty establishing the European Economic Community and in particular Article 113 thereof,

Having regard to the proposal from the Commission,

Whereas, on 1 June 1992, the Council adopted Regulation (EEC) No 1432/92<sup>(1)</sup> prohibiting trade between the Community and the Republics of Serbia and Montenegro;

Whereas it is of utmost importance to ensure effective application of the embargo on the Republics of Serbia and Montenegro;

Whereas, to this effect, it is necessary to exercise sufficiently effective control over exports from the Community;

Whereas such control should involve measures aimed at ascertaining that no deviation takes place as regards goods exported from the Community to certain neighbouring states;

Whereas such exports therefore should be subjected to prior export authorizations to be issued by the competent authorities of the Member States in close cooperation with the authorities of the importing state;

**HAS ADOPTED THIS REGULATION:**

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<sup>(1)</sup> OJ No L 151 of 3.6.1992, p. 4

## Article 1

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The export to the Republic of Bosnia-Herzegovina, the Republic of Croatia and the Republic of Slovenia as well as the territory of the former Yugoslav Republic of Macedonia of all commodities and products originating in or coming from the Community shall be subject to the presentation of a prior export authorization to be issued by the competent authorities of the Member States.

## Article 2

The prior export authorization shall be issued under the condition that an import licence has been issued by the competent authorities of the Republic of Bosnia-Herzegovina, the Republic of Croatia, the Republic of Slovenia or the territory of the former Yugoslav Republic of Macedonia, depending on where the import is to take place.

It is to be ascertained that these authorities will certify the arrival of the goods covered in the prior export authorization.

## Article 3

The necessary measures for the implementation of Article 2 above shall be adopted by the Commission.

The Commission shall be assisted by a committee of an advisory nature composed of the representatives of the Member States and chaired by the representative of the Commission.

The representative of the Commission shall submit to the committee a draft of the measures to be taken. The committee shall deliver its opinion on the draft, within a time limit which the chairman may lay down according to the urgency of the matter, if necessary by taking a vote.

The opinion shall be recorded in the minutes; in addition, each Member State shall have the right to ask to have its position recorded in the minutes.

The Commission shall take the utmost account of the opinion delivered by the committee. It shall inform the committee of the manner in which its opinion has been taken into account.

Article 4

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The procedures referred to in Articles 1 and 2 of this Regulation shall not apply to export transactions arising from contracts or amendments to contracts concluded before the entry into force of this Regulation, where their execution began before that date.

Article 5

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 Brussels, .. August, 1992

For the Council

The President

Draft

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

of

concerning certain technical modalities in connection with the application of the Decision of the Representatives of the Governments of the Member States meeting within the Council N°92/285/ECSC prohibiting trade between the European Coal and Steel Community and the Republics of Serbia and Montenegro

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

Whereas, on 1 June 1992, the Decision of the Representatives of the Governments of the Member States meeting within the Council N°92/285/ECSC<sup>(1)</sup> prohibiting trade between the Community and the Republics of Serbia and Montenegro, was adopted;

Whereas it is of utmost importance to ensure effective application of the embargo on the Republics of Serbia and Montenegro;

Whereas, to this effect, it is necessary to exercise sufficiently effective control over exports from the Community;

Whereas such control should involve measures aimed at ascertaining that no deviation takes place as regards goods exported from the Community to certain neighbouring states;

Whereas such exports therefore should be subjected to prior export authorizations to be issued by the competent authorities of the Member States in close cooperation with the authorities of the importing state,

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(1) OJ N° L 151 of 3.6.1992, p. 20

In agreement with the Commission,

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HAVE DECIDED AS FOLLOWS:

Article 1

The export to the Republic of Bosnia-Herzegovina, the Republic of Croatia and the Republic of Slovenia as well as the territory of the former Yugoslav Republic of Macedonia of all commodities and products covered by the ECSC Treaty originating in or coming from the Community shall be subject to the presentation of a prior export authorization to be issued by the competent authorities of the Member States.

Article 2

The prior export authorization shall be issued under the condition that an import licence has been issued by the competent authorities of the Republic of Bosnia-Herzegovina, the Republic of Croatia, the Republic of Slovenia or the territory of the former Yugoslav Republic of Macedonia depending on where the import is to take place.

It is to be ascertained that these authorities will certify the arrival of the goods covered in the prior export authorization.

Article 3

The necessary measures for the implementation of Article 2 above shall be adopted by the Commission.

The Commission shall be assisted by a committee of an advisory nature composed of the representatives of the Member States and chaired by the representative of the Commission.



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The representative of the Commission shall submit to the committee a draft of the measures to be taken. The committee shall deliver its opinion on the draft, within a time limit which the chairman may lay down according to the urgency of the matter, if necessary by taking a vote.

The opinion shall be recorded in the minutes; in addition, each Member State shall have the right to ask to have its position recorded in the minutes.

The Commission shall take the utmost account of the opinion delivered by the committee. It shall inform the committee of the manner in which its opinion has been taken into account.

#### Article 4

The procedures referred to in Articles 1 and 2 of this Decision shall not apply to export transactions arising from contracts or amendments to contracts concluded before the entry into force of this Decision, where their execution began before that date.

#### Article 5

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

Done at Brussels, .. August, 1992

For the Council

The President

COM(92) 424 final

# DOCUMENTS

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Catalogue number : CB-CO-92-379-EN-C

ISBN 92-77-47154-9

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Office for Official Publications of the European Communities

L-2985 Luxembourg