

COMMISSION OF THE EUROPEAN COMMUNITIES

COM(92) 504 final

Brussels, 26 November 1992

Proposal for a

COUNCIL REGULATION (EEC)

amending Regulation (EEC) N° 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 OF THE EUROPEAN COAL AND STEEL COMMUNITY, MEETING WITHIN THE COUNCIL

amending Decision 92/285/ECSC prohibiting trade between the European Coal and Steel Community and the Republics of Serbia and Montenegro.

(presented by the Commission)

EXPLANATORY MEMORANDUM

The United Nations Security Council, acting under Chapter VII of the Charter of the United Nations, has adopted Resolution 787(1992) in order to strengthen the application of the embargo on the Republics of Serbia and Montenegro. To this effect, this Resolution calls for the prohibition of the transshipment through the Republics of Serbia and Montenegro of a number of sensitive or strategic products unless such transshipment is specifically authorized by the Committee established by Resolution 724(1991) under its no objection procedure.

The attached proposed Regulation (EEC) and Decision (ECSC) are intended to bring legislation into force in the Community in accordance with the provisions of the Security Council Resolution.

PROPOSAL FOR
COUNCIL REGULATION (EEC) N°.....
of

amending Regulation (EEC) N° 1432/92 prohibiting trade between the European Economic Community and the Republics of Serbia and Montenegro.

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Whereas the Council adopted on 1 June 1992 Regulation (EEC) N° 1432/92 prohibiting trade between the European Economic Community and the Republics of Serbia and Montenegro⁽¹⁾, as amended by Regulation (EEC) N° 2015/92⁽²⁾;

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

Whereas to this effect, the United Nations Security Council, acting under Chapter VII of the Charter of the United Nations, has adopted Resolution 787 (1992) providing, inter alia, for a prohibition of transshipment of certain products through the Republics of Serbia and Montenegro, unless certain conditions are met, and for the conditions under which, in certain circumstances, vessels are to be considered vessels of the Republics of Serbia and Montenegro;

Whereas in these circumstances, it is necessary to amend Regulation (EEC) N° 1432/92 accordingly;

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

Having regard to the proposal from the Commission,

(1) O.J. N° L 151, 3.6.1992, p.4.

(2) O.J. N° L 205, 22.7.1992, p.2.

HAS ADOPTED THIS REGULATION;

Article 1

Regulation (EEC) N° 1432/92 is modified as follows:

1. The last sentence of Article 1 is replaced by the following:

"The terms of the prohibition on air transport services are defined in Annex 1.

The conditions under which, in certain circumstances, vessels are to be considered vessels of the Republics of Serbia and Montenegro are defined in Annex 2."

2. The following Article 2 bis shall be inserted:

"Article 2 bis

Notwithstanding the provisions of Article 2(d), the transshipment of crude oil, petroleum products, natural gas, energy related equipment, metals, chemicals, rubber, tyres, vehicles, aircraft and motors of all types, is prohibited, unless such transshipment is specifically authorised on a case-by-case basis by the Committee established by United Nations Security Council Resolution 724 (1991) under its 'no objection' procedure."

3. The Annex is replaced by the following:

"Annex 1

Permission shall be denied to any aircraft to take off from, land in or overfly the territory of the Community if it is destined to land in or has taken off from the territory of the Republics of Serbia and Montenegro, unless the particular flight has been approved, for humanitarian or other purposes consistent with the relevant resolutions of the United Nations Security Council, by the Committee established by the Security Council Resolution 724 (1991).

Annex 2

Any vessel in which a majority or controlling interest is held by a person or undertaking in, or operating from, the Republics of Serbia and Montenegro shall be considered, for the purpose of implementation of Regulation (EEC) N° 1432/92 and related legislation, a vessel of the Republics of Serbia and Montenegro, regardless of the flag under which the vessel sails."

Article 2

This Regulation shall enter into force on the day of its publication in the Official Journal of the European Communities. It shall be applicable from the 17 November 1992.

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

Done at

For the Council

PROPOSAL FOR
DECISION OF THE REPRESENTATIVES OF THE GOVERNMENTS OF THE MEMBER STATES
MEETING WITHIN THE COUNCIL
of

amending Decision 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 the Representatives of the governments of the Member States of the European Coal and Steel Community (ECSC) meeting within the Council adopted on 1 June 1992 Decision 92/285/ECSC prohibiting trade between the European Coal and Steel Community and the Republics of Serbia and Montenegro⁽¹⁾, as amended for the last time by Decision 92/388/ECSE⁽²⁾;

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

Whereas to this effect, the United Nations Security Council, acting under Chapter VII of the Charter of the United Nations, has adopted Resolution 787 (1992) providing, inter alia, for a prohibition of transshipment of certain products through the Republics of Serbia and Montenegro, unless certain conditions are met;

Whereas in these circumstances, it is necessary to amend Decision 92/285/ECSC accordingly;

In agreement with the Commission ;

(1) O.J. N° L 151, 3.6.1992, p.20.

(2) O.J. N° L 205, 22.7.1992, p.5.

HAS DECIDED AS FOLLOWS :

Article 1

Article 2(c) of Decision 92/285/ECSC is modified to read as follows:

"c) the transshipment through the Republics of Serbia and Montenegro of commodities and products covered by the ECSC Treaty originating outside the Republics of Serbia and Montenegro and temporarily present in the territory of those Republics only for the purpose of such transshipment, provided that such transshipment is specifically authorised on a case-by-case basis by the Committee established by United Nations Security Council Resolution 724 (1991) under its 'no objection' procedure;"

Article 2

This Decision shall enter into force on the day of its publication in the Official Journal of the European Communities. It shall be applicable from the 17 November 1992.

Done at

1. The first part of the document is a list of names and titles.

MEMBERS OF THE BOARD

The following are the members of the Board of Directors of the Corporation:

Mr. J. H. Smith, President
Mr. W. D. Jones, Vice President
Mr. R. L. Brown, Secretary
Mr. T. E. White, Treasurer

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